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ESKOM HOLDINGS SOC LTD

INVITATION TO TENDER

FOR


RE-ISSUE: IKAGENG SEWAGE TREATMENT PLANT REFURBISHMENT FOR A PERIOD OF EIGHTEEN (18) MONTHS AT DUVHA POWER STATION

Tender number/ RFP number	MPGXC006318R1
Issue date	17 March 2021
Closing date and time	13 May 2021 at 10h00
Tender validity period	120 days from the closing date and time
Clarification meeting	Not applicable
Tenders are to be delivered to the following address on the stipulated closing date and time:	Late Tenders will not be accepted: Tenders are to be submitted to the Eskom tender box at the following physical address: ESKOM HOLDINGS SOC LIMITED'S 24 HOUR TENDER BOX TENDER BOX LOCATED AT NO.10 SMUTS AVENUE WITBANK/EMALAHLENI MPUMALANGA

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Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a tender for the provision of Ikageng Sewage Treatment Plant Refurbishment at Duvha Power Station. The enquiry documents are supplied to you on the following basis:

- Free of charge

Eskom has delegated the responsibility for this tender to the Eskom *Representative* whose name and contact details are set out in the Tender Data. A submission of a tender/proposal by you in response to this *Invitation* will be deemed as your acceptance of the Eskom Standard Conditions of Tender (to be accessed via www.eskom.co.za). Queries relating to these Invitation /RFP documents may be addressed to the Eskom *Representative*.

Yours faithfully



Neo Mkhize


PROCUREMENT MANAGER

Date: 2021/03/17

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1. The following documents are attached to this enquiry:

Number	Description	Annexures (to be downloaded / attached)	Attached (Y/N)
6.1	*Acknowledgement form	Annexure A	Y
6.2	*Tenderer's particulars	Annexure B	Y
6.3	* Integrity Declaration Form (refer also to www.eskom.co.za for the Supplier Integrity Pact that suppliers are required to download and read)	Annexure C	Y
6.4	CPA Requirements for Local Goods/Services (if applicable)	Annexure D	Y
6.5	CPA(IG) for Foreign Goods/Services (if applicable)	Annexure E	Y
6.6	SBD 6.2- Declaration Certificate for Local Production and Local Content (only applicable if designated materials are included). Annexure C-Local Content Declaration-Summary Schedule Annexure D-Imported Content Declaration – Supporting Schedule to Annexure C Annexure E-Local Content Declaration-Supporting Schedule to Annexure C	Annexure F1 Annexure F2 Annexure F3 Annexure F4	Y
6.7	Addenda acknowledgement form	Annexure G	Y
6.8	Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE [only to be attached for <u>services</u> type of contracts].	Procurement Practitioner to download from Hyperwave	Y - (Attached)
6.10	SBD 1 -Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure H	Y
6.11	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	Annexure I	Y
6.12	Supplier Development & Localisation (SDL&I) Undertaking [only to be attached if applicable]	To be obtained from SDL&I	Y

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1.2 The Tender Data makes several references to the **Eskom Standard Conditions of Tender** (refer to www.eskom.co.za for this document that suppliers are required to download and read). The clauses that apply specifically to this Invitation/RFP are referenced hereunder. The **“Tender Data”** shall take precedence over the **Standard Conditions of Tender** in the event of any ambiguity or inconsistency between the two documents.


TENDER DATA

Clause Number from Standard Conditions of Tender	Tender Data
1.1 Parties	<p>The <i>Employer</i> is Eskom Holdings SOC Ltd</p> <p>The Eskom <i>Representative</i> is: Name: Shirly Dhladhla Tel: +27 13 295 9465 E-mail: DhladhS@eskom.co.za</p>
2.1 Eligible tenders	<p>Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture) complies with the <i>eligibility criteria</i> stated in the Tender Data and the tenderer, or any of his principals, is not under any restriction to do business with Eskom/State Owned Companies.</p> <p>Tenderers are deemed ineligible to submit a tender if</p> <ul style="list-style-type: none"> • Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be deemed to have the nationality of a country if the tenderer is a national or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also apply to the determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services. • Tenderers submit more than one tender either individually or as a partner in a joint venture (JV) or consortium • Tenders submitted by a JV or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms. • A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. A Tenderer may be considered to have a conflict of interest with one or more parties in this tendering process, if :

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	<ul style="list-style-type: none"> • (a)they have a controlling partner/majority shareholder in common; or • (b)they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another Tenderer, or influence the decisions of the Employer regarding this bidding process; • Tenders signed by non- authorized persons • Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers) • A tender that fails to meet any pre-qualifying criteria stipulated in the tender documents is an unacceptable tender (section 4 (2) of PPPFA Regulations • Any tenderer that is restricted by National Treasury • A tenderer that sub-contracts 100% Scope of Work. <p>Ineligible tenderers will be disqualified.</p>
1.3 Enquiry documents	The Invitation to tender number is : MPGXC006318R1 See the content list above for the enquiry documents.
1.4 Type of Invitation to Tender	This invitation to tender is: 1. An open Invitation to tender.
1.6 Eskom's rights to accept or reject any tender 1.7 Eskom's rights to negotiate	The tender shall be for the whole of the contract. Eskom reserve the right to enter into mandated negotiation in accordance with Eskom's approved procurement policies and procedures.
2.2 -2.5 Tender Closing	The deadline for Tender submission is : Date: 13 May 2021 Time: 10h00 Late Tenders will not be accepted Tenders are to be submitted to the Eskom tender office at the following physical address: THE TENDER OFFICE Eskom Holdings SOC Limited's Tender Box located at No.10 Smuts Avenue Witbank/Emalaheni Mpumalanga The envelope/file/package should be marked as follows: DESCRIPTION: RE-ISSUE: IKAGENG SEWAGE TREATMENT PLANT REFURBISHMENT FOR A PERIOD OF EIGHTEEN (18) MONTHS AT DUVHA POWER STATION

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	ENQUIRY NUMBER: MPGXC006318R1 CLOSING DATE AND TIME: 13 May 2021 @ 10:00AM ATTENTION TO: SHIRLY DHLADHLA TENDERER'S NAME AND CONTACT ADDRESS
3.10 Mandatory tender returnables	See below list of Tender Returnables, some of these are mandatory at the Tender submission deadline, and others are mandatory prior to contract award. The tenderer will be disqualified if mandatory tender returnables are not submitted on/before the stipulated deadlines. Where original/certified copies of a B-BBEE certificates/sworn affidavits that are required for preference point scoring purposes only, tenders will be scored zero, but not disqualified. Where documents be required as evidence of compliance to Pre-qualification criteria and these are not provided; then the tenders will be disqualified.
2.9 Copy of original tender	The tenderer shall submit an original tender , plus 1 hard copy of the original tender at tender submission deadline. Three separable files to be submitted, labeled as follows: <ul style="list-style-type: none"> • Commercial (Including SD&L and Financial) • Technical • SHEQ (Safety, Environment and Quality) Where a Tenderer does not submit 1 copy plus original tender at tender submission deadline, the tenderer will be disqualified.
Note: Tender Submission	It is requested that the tender sections be clearly marked and separated if possible (Commercially, Technically and SHEQ). Please ensure that the documents are binded properly to avoid loose pages.
2.13 Tender Validity Period	The tender validity period is 120 days
2.16 Site/clarification meetings	A clarification meeting with representatives of the <i>Employer</i> will take place as follows: Date: Not applicable Time: Venue: <i>Tenderers</i> must confirm their intention to attend with the Eskom <i>Representative</i> stating the name, position and contact details of each proposed attendee.

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	<p>Please note that if the enquiry stipulates that a site/clarification meeting is mandatory/compulsory; then suppliers must attend such meeting. Those suppliers who do not attend such mandatory/compulsory meeting will be disqualified and will not be evaluated.</p>
2.17 Clarification on enquiry documents	<p>The tenderer will notify the <i>Employer</i> of any clarifications required before the closing time for clarification queries, which is 5 working days before the deadline for tender submission.</p> <p>The responses to clarification will published to all tenderers in the same manner the enquiry documents were issued and it is the tenderers responsibility to check the Eskom Tender Bulletin and NT e-Tender Portal regularly for updated responses to clarification by Eskom Representative.</p>
2.25 Conditions of contract	<p>The conditions of contract will be the NEC3 Engineering and Construction Contract (ECC3)</p>
2.23 Alternative tenders	<p>Alternative tenders are <i>not allowed</i>.</p> <p>If Alternative tender(s) are allowed, it may be based only on the following criteria and subject to acceptance by the <i>Employer</i>:</p> <ul style="list-style-type: none"> • A different completion date. • A different payment method. • Different technical methods and specifications
2.31 Provision of security for performance (if applicable)	<p>If security for performance (e.g. Performance Bond) is required, the names of two financial institutions that the tenderer will approached, must be submitted with the tender.</p>
3.4 Opening of tenders	<p>Tenders will be opened at the same date and time as the tender deadline;</p> <p>Tenders will be opened on:</p> <p>Place: Eskom Holdings SOC Limited's Tender Box located at: No.10 Smuts Avenue Witbank/Emalahleni</p> <p>Date: 13 May 2021 Time: 10h00</p>
3.5 Prices to be read out	<p>Prices <i>will not be read out</i>.</p>
<p>Confirm the criteria to be applied for evaluation</p>	
	<ul style="list-style-type: none"> • Basic Compliance • Mandatory tender returnables • Pre-qualification criteria (if applicable) • Local content and production (applicable where designated materials are included)

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	<ul style="list-style-type: none"> • Functionality • Financial Evaluation • Price and preference scoring • Objective criterial (if applicable)
3.9 Basic Compliance	<p>Basic compliance for this invitation to tender are:</p> <ul style="list-style-type: none"> • Meet the eligibility criteria for a tenderer • Submit one (1) complete hard copy of the original tender to Eskom • Submit a complete original tender with commercial, financial and technical information • Submission of the mandatory commercial tender returnables as at stipulated deadlines. • Central Supplier Database (CSD) number (MAA.....)
3.10 Mandatory Tender returnables	<p>Mandatory tender returnables required for scoring are listed hereunder</p> <ul style="list-style-type: none"> • List of Directors • SARS Tax Clearance Certificate • Letter of Good Standing/proof of registration • Sworn Affidavit/Valid BBEE Certificate • CSD Registration • NEC Price List and Form Offer • SD&L Requirements <p>Tenders who do not submit mandatory tender returnables as stipulated deadlines will be disqualified</p>
3.11 Pre-qualification criteria	<p>Pre-qualification criteria are applicable:</p> <p>One or more than one of the following mandatory pre-qualification criteria are applicable herein:-</p> <p>1. Pre-Qualification Requirements:</p> <ul style="list-style-type: none"> • CIDB Grade 3ME or 3EB or Higher <p>2. SD&L requirements:</p> <p>1. B-BBEE Requirement</p> <ul style="list-style-type: none"> • A tenderer that has a B-BBEE Contribution Level 1 – 4. <p>Returnable for B-BBEE Requirement:</p>

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	<ul style="list-style-type: none"> • A Valid copy of B-BBEE Certificate issued by a SANAS Accredited Verification Agent; or • A copy of B-BBEE Sworn Affidavit for either EME or QSE (<u>See Key Notes Below to determine Validity of a Sworn Affidavit</u>); or • Valid copy of B-BBEE Certificate issued by CIPC for EMEs' only. <p>KEY NOTES OF DETERMING VALIDITY OF B-BBEE SWORN AFFIDAVITS: Tenderers submitting B-BBEE Sworn Affidavits must ensure that the affidavits meet the following key pointers to ensure their validity:</p> <p>a) Name/s of deponent as they appear in the identity document and the identity number.</p> <p>b) 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. (<u>Mark the applicable option</u>).</p> <p>c) Name of enterprise as per enterprise registration documents issued by the CIPC, where applicable, and enterprise business address.</p> <p>d) 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. (<u>No blank spaces to be left</u>).</p> <p>e) Indicate total revenue for the year under review and whether it is based on audited financial statements or management account. (<u>Mark the applicable option</u>).</p> <p>f) Financial year end as per the enterprise's registration documents, which was used to determine the total revenue. (<u>Financial year end to be stipulated by day/month/year</u>).</p> <p>g) B-BBEE Status level. An enterprise can only have one status level. (<u>Tick applicable level</u>)</p> <p>h) Empowering supplier status must be indicated. For QSEs, the deponent must select the basis for the empowering supplier status.</p> <p>i) Date deponent signed and date of Commissioner of Oath must be the same. (<u>The sworn affidavit must be signed in the presence of the Commissioner of Oath. Furthermore the Commissioner must also sign and stamp</u>)</p> <p>j) 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</p>
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	<p>If the relevant documentation/information as stipulated in the enquiry is not submitted and/or in case of a B-BBEE Sworn Affidavit does meet the above key requirements; said tenders will be disqualified.</p> <p>Note: A tender that fails to meet any pre-qualifying criteria stipulated in the tender will be disqualified.</p>						
3.12 Designated materials and thresholds	<p>Designated material thresholds <i>is not applicable</i>]</p> <p>If applicable stipulate which materials are identified as designated materials and what thresholds the tenderers must meet in order to be evaluated further.</p> <table border="1"> <thead> <tr> <th>Material</th> <th>Threshold %</th> </tr> </thead> <tbody> <tr> <td>Not applicable</td> <td>Not applicable</td> </tr> <tr> <td></td> <td></td> </tr> </tbody> </table> <p>Tenderers need to complete and submit Annexure F1-F4 hereto as evidence of compliance with this requirement.</p> <p>A tenderer that fails to meet the minimum stipulated threshold for local production and content will be disqualified.</p>	Material	Threshold %	Not applicable	Not applicable		
Material	Threshold %						
Not applicable	Not applicable						
3.13 Functionality requirements	<p>Functionality requirements <i>are applicable</i></p> <p>The following criteria will be applicable for this transaction under functionality criteria:</p> <p>Refer to attached (Tender Evaluation Strategy)</p> <table border="1"> <thead> <tr> <th>Criteria</th> <th>Weight</th> </tr> </thead> <tbody> <tr> <td>Refer to attached Tender Evaluation Strategy for Technical Evaluation Criteria</td> <td>100%</td> </tr> <tr> <td>Threshold</td> <td>70%</td> </tr> </tbody> </table> <p>Note: The minimum weighted final score (threshold) required for a tender to be considered from a technical perspective is 70%. Should no Contractor meet the minimum threshold of 70% Eskom reserves the right to negotiate and/or consider Contractors that obtained between 65% and 69%</p> <p>Tenderers who do not meet the threshold for functionality scoring will be disqualified and not be evaluated further.</p>	Criteria	Weight	Refer to attached Tender Evaluation Strategy for Technical Evaluation Criteria	100%	Threshold	70%
Criteria	Weight						
Refer to attached Tender Evaluation Strategy for Technical Evaluation Criteria	100%						
Threshold	70%						
3.15 Evaluation of price	Prices will be evaluated as follows:						

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	<ul style="list-style-type: none"> • Inclusive of VAT • Making the specified correction for arithmetical errors • Excluding contingencies in any bill of quantities or activity schedule. • Making an appropriate adjustment for any other acceptable variations, deviations, or alternative tenders submitted. • Making a comparison of the Net Present Value of each adjusted tender based on the tendered programme (if provided) and prices, on the estimated effect of Price Adjustment Factors and rate of exchange fluctuations (if applicable) and on other evaluation parameters relating to uncertainty and risk, where applicable. • Unconditional discounts must be taken into account for evaluation purposes; • Conditional discounts must not be taken into account for evaluation purposes but should be implemented when payment is affected. • Prices will be scored out of 80 points
3.17 Evaluation of B-BBEE	<p>B-BBEE status will be scored out of 10 or 20 points in accordance with PPPFA.</p> <p>If a tenderer fails to submit proof of B-BBEE status level, the tenderer will not be disqualified (except if B-BBEE level is a pre-qualification criterion). The tender:</p> <ul style="list-style-type: none"> • May only score points out of 80 for price ; and • Scores 0 points out of 20 for B-BBEE status
3.18 Ranking of tenders	<p>Suppliers will be ranked by applying the preferential point scoring based on the</p> <ol style="list-style-type: none"> 1. 80/20 (for estimated values above R30 000 inclusive of VAT and up to R50M inclusive of VAT) or 2. state that either 80/20 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>Eskom will then add the score from Pricing and the B-BBEE level together and rank the suppliers from the highest to the lowest.</p>
3. 19 Contractual requirements (if applicable)	<p>Contractual requirements are applicable</p> <p>With contract award this will become contractual requirements:</p> <ul style="list-style-type: none"> • SHEQ (Safety, Quality and Environmental)

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	<ul style="list-style-type: none"> • Financial Statements • Any other as stipulated <p>Note:</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 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>In the event that there are further documents/actions that are required during execution of the contract; these must be made contractual conditions and compliance thereto must be managed in terms of the contract.</p>
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Please note:

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

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

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

1.3 TENDER RETURNABLES


The tenderer must submit the returnables set out hereunder as part of its tender.

Reference	Returnables from supplier	Mandatory returnable for evaluation	Mandatory returnable for contract award

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Basic Compliance	One original tender and (1) hard copy of the tender	✓	
Pre-qualification criteria : <ul style="list-style-type: none"> • B-BBEE levels/EME/QSE • Sub-contracting to designated groups 	Original or certified copy of a valid B-BBEE certificate/ Sworn Affidavit CSD number Signed Sub-contracting agreement / signed intent agreement /sub-contract agreement Proof (certificate/affidavit) of sub-contractor belonging to designated group If not submitted by tender submission deadline, the tenderer will be disqualified	✓ ✓ ✓ ✓	
Annexure A	Acknowledgement Form	✓	
Additional Documents required in event of JV:-	Letter of intent to form a JV/consortium		✓
	Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios.		
	Written confirmation that the joint venture will operate as a single business entity (incorporated) for the duration of the contract (this may be included as an obligation within the JV agreement)		✓
	A trust, consortium or joint venture (including unincorporated consortia and joint ventures) must submit a consolidated (original or certified copy of a valid) B-BBEE Status Level Verification Certificate for every separate tender.	✓	
	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.		✓
Annexure B	Tenderers Particulars	✓	
Annexure C	Integrity Pact Declaration form	✓	
Annexure D	CPA for local goods/services (if applicable)	✓	
Annexure E	CPA(IG) for imported goods/services (if applicable)	✓	
Annexure F1-F4	SBD 6.2 -Declaration certificate for local production and content and Annexures C, D, E (only applicable where designated materials are included)	✓	
Annexure H	Confirmation of receipt of addenda to enquiry document		
Annexure I (applicable for all suppliers including Foreign suppliers)	SBD 1- to be submitted with the tender at tender submission deadline	✓	

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Annexure J	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	✓	
SDL&I Undertaking	Supplier Development Localisation & Industrialisation (SDL&I) Undertaking [if applicable to enquiry]	✓	
COIDA	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)		✓
B-BBEE Certificates/sworn affidavits	An original or certified copy of a valid B-BBEE certificate is required. In the case of EME/QSE, an original or copy of a sworn affidavit.	✓	
Tax Clearance Certificates	Foreign suppliers (with a footprint in South Africa) and local suppliers, must submit a printed or copy of its tax clearance certificated as well as their SARS e-filing PIN number and their CSD number for verification by Eskom. Foreign suppliers with no footprint in South Africa, must complete the SBD1 document. No proof of tax compliance is required.		✓
Tax Questionnaire	Evaluation questionnaire to be completed and submitted to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE [only in the case of services contracts]		✓
Signed Sub-contracting intent agreement / signed intent to sub contract agreement	Tenderers must, where subcontracting is a pre-qualification requirement or where it is a mandatory condition of tender, submit proof of signed subcontracting intent agreement	✓	
Compliance with Employment Equity Act	To the extent that the tenderer falls within the definition of a “designated Employer” as contemplated in the Employment Equity Act 55 of 1998, the tenderer is required to furnish the Employer with proof of compliance with the Employment Equity Act, including proof of submission of the Employment Equity report to the Department of Labour. (South African tenderers only)		✓
Financial statements	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	N/A	

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	their tender will be required to send statements for the first year when once available.		
CIDB (if applicable)	Valid proof of CIDB (Construction Industry Development Board) Registration. However, where valid proof of CIDB Registration is not available at tender closing deadline, tenderers are at minimum expected to provide valid proof of application for Registration with the CIDB by tender closing deadline and proof of actual registration by contract award.	CIDB Grade 3ME or 3EB or Higher	✓
Shareholding	Shareholding organogram /breakdown (for each individual company/JV member) clearly identifying percentages owned by individual shareholders (full names & ID Numbers) and other entities (provide full legal/trading name and respective identifying registration/trust numbers)		✓
NEC/FIDIC Documentation	Completed NEC3 pricing schedule and contract data.		✓
Additional documents required (ECSA/ SACPCMP/CVs/ permits/licenses/ specific registration documents)	<i>[Documents that are applicable to a particular scope of work that may/may not be mandatory and need to be stipulated by Buyer]</i>		
DOCUMENTS REQUIRED AS CONTRACTUAL REQUIREMENTS			
Safety	Refer to attached safety documents		✓
Quality	Refer to attached Quality documents		
Environmental Requirements	1. Environmental Management policy that is signed by the CEO and in line with ISO 14001:2015 2. The successful service provider must ensure that the Station's Environmental Waste Management Procedure ENVP005 is adhered to at all times. 3. Service provider to compile Environmental Management programme that is site specific.		✓
Due Diligence	Financial statements etc that may be required for due diligence purposes.		✓
DOCUMENTS REQUIRED FOR TECHNICAL UNDER FUNCTIONALITY			
Technical documents required as per Functionality criteria: Appendix A			✓

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Functionality criteria for Technical Scoring

SEE TECHNICAL EVALUATION CRITERIA ATTACHED

Tenderers who do not meet the threshold of **70%** for functionality scoring will be disqualified and not be evaluated further.


QUALITY REQUIREMENTS

	(FORM A) TENDER & CONTRACT QUALITY REQUIREMENTS FOR QM 58 AND QUALITY REQUIREMENTS FOR ISO 9001 STANDARD		Template Identifier	240-43921804	Rev	3	
			Document Identifier	240-68099512	Rev	5	
			Authorisation Date	October 2018			
			Review Date	October 2022			
SECTION A	ENQUIRY/ CONTRACT No:						
	ENQUIRY/ CONTRACT DESCRIPTION						
	CLAUSES OF QM 58 SPECIFICATION	CLAUSE DESCRIPTION	INDICATE WITH AN (X) AS APPLICABLE OR (-) IF NOT APPLICABLE				
SECTION B (ESKOM)	CLAUSE 3	PRE-CONTRACT AWARD QUALITY REQUIREMENTS	X				
	CLAUSE 4	(*Select Only Applicable Category). NB: Not more than one category must be selected. Also indicate whether site assessment is applicable.	X				
		Category 1 (refer to clause 4.1.1 of QM 58)	-				
		Category 2 (refer to clause 4.1.2 of QM 58)	-				
		Category 3 (refer to clause 4.1.3 of QM 58)	X				
		Category 4 (refer to clause 4.1.4 of QM 58)	-				
		Supplier and Sub-supplier Site Assessment (refer to clause 4.2 of QM 58)	-				
	CLAUSE 5	POST-CONTRACT AWARD					
		Contract Execution (refer to clause 5.1 of QM 58)	X				
		Supplier Quality Performance Monitoring Phase (refer to clause 5.2 of QM 58)	X				
CLAUSE 6	STANDARD CONDITIONS						
	Eskom Rights of Access (refer to clause 6.1 of QM 58)	X					
	Eskom Rights to Information (refer to clause 6.2 of QM 58)	X					

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		Preservation and Storage (refer to clause 6.3 of QM 58)	X		
		Supplier Quality Audits (refer to clause 6.4 of QM 58)	X		
		Nonconformities and Nonconforming Outputs Identified by Eskom (refer to clause 6.5 of QM 58)	X		
		Special Processes (refer to clause 6.6 of QM 58)	X		
	CLAUSES OF ISO 9001 STANDARD	CLAUSE DESCRIPTION	INDICATE WITH AN (X) AS APPLICABLE OR (-) IF NOT APPLICABLE		
SECTION C (ESKOM)	CLAUSE 4	Context of the Organisation	X		
	CLAUSE 5	Leadership	X		
	CLAUSE 6	Planning	X		
	CLAUSE 7	Support	X		
	CLAUSE 8	Operation	X		
	CLAUSE 9	Performance Evaluations	X		
	CLAUSE 10	Improvement	X		
SECTION D	TENDERER'S QUALITY REPRESENTATIVE	NAME	DESIGNATION	DATE	SIGNATURE


NB: The tenderer must complete and sign this form to acknowledge and accept Eskom Supplier Quality Requirements as per QM 58 Specification and ISO 9001 Standard.

	Supplier Quality Management: List of Tender Returnables Documents		Unique Identifier	240-12248652
			Revision	2
			Effective Date	2018/10/26
			Specification	QM 58
Category 3: Quality Requirements		Deliverables to be evaluated indicator = 1	Weights	
SECTION A : Quality Management System Requirements ISO 9001				
Objective evidence of documented QMS that is not certified but complies with ISO 9001				
				Apply (Yes=1)
A.1 QMS Manual or a document that defines and describes the QMS and its scope or Quality Method statement based on scope.				1
A.2 Quality Policy Approved by top management.				1
A.3 Quality Objectives Approved by top management.				1
A.4 Records required by ISO 9001 standard (List of Records)				1
A.5 Control of documented information				1
				25%

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A.6 Documented information for Control of nonconforming outputs	1	
A.7 Documented information for Nonconformity and Corrective action	1	
A.8 Documented information for Internal audit	1	
Section A Score	8	

SECTION B : Evidence of QMS in operation (Tender Quality Requirements -Ref QM-58 /240-105658000)		
	Apply (Yes=1)	25%
B.1 Documented information for defined roles, responsibilities and authorities	1	
B.2 Documented information for Control of Externally Provided Processes, Products and Services	1	
Section B Score	2	

SECTION C: Contract Quality Plan Requirements (Ref QM-58 and 240-109253698). Draft Contract Quality Plan specific to the scope of work as described in the tender documents (Ref ISO 10005)		20%
NB! Draft Contract/Project Quality Plan has important QA deliverables	Apply (Yes=1)	
Section C Score	1	


SECTION D: Quality Control Plan Requirements (Ref QM-58 or 240-109253302) QCP /Checklist/ ITP (Quality Control Plans) as per Scope of Works (Ref ISO 10005 & QM 58)		
NB! Example of an Inspection and Test Plan (ITP) or Quality Control Plan (QCP) on similar and/ or previous work done	Apply (Yes=1)	20%
	1	
Section D Score	1	

SECTION E : User defined additional Requirements & miscellaneous (Ref QM-58) Customer specific requirements & other standards and required can be listed and evaluated here		
	Apply (Yes=1)	10%
E.1 Form A is completed and signed.	1	
Section E Score	1	

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SAFETY REQUIREMENTS:

	Annexure A: Supplier Risk Category	Template Identifier	240-43921898	Rev	6	
		Document Identifier	240 - 77433139	Rev	2	
		Effective Date	November 2016			
		Review Date	December 2021			

1. Supplier Risk Category

Scope:

Duvha Power Station Ikageng Sewage Treatment Plant Refurbishment for eighteen (18) Months

2. Construction work as defined in Construction Regulations, 2014

High risk
<ul style="list-style-type: none"> • Health and Safety plan/OHS manual(Duvha site specific) • H&S costing • Baseline SHE risk assessment (Scope specific and not generic. Baseline Risk assessment to address the COVID19 threat) • Valid letter of good standing or equivalent (LOGs) • SHE policy (must be signed by company CEO/MD) • Proof of SHE competency <ul style="list-style-type: none"> - SACPCMP for safety professional (Full-time) - Proof of Immunization for employees from Medical Practitioner (Hepatitis A)


The list of services and commodities listed in the above-mentioned categories is merely the foremost list and is not exhaustive. For any other services and commodities that are not included in the above categories, a risk assessment must be conducted by the project manager/project leader/contract manager/end-user, together with the responsible SHE functionary, in order to apply the correct risk category. This is applicable to local and international companies.

Eskom requires that an organisation that provides services to us is COID registered/compliant and therefore must submit a letter of good standing with the Compensation Fund or with a licensed compensation insurer, i.e. Rand Mutual Assurance Company and Federal Employer's Mutual Association. The letter of good standing must reflect the name of the company. Only an employer that has obtained a certificate of exemption from the Department of Labour will be exempt from this requirement. We will also accept a policy of insurance obtained from a mutual association for the full extent of his potential liability in terms of the COID Act.

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The COID Act provides that where a mandatory procures the services of a contractor/labour broker such contractor/labour broker must register with the Commission and pay assessments. Failure to register or pay the assessments means that the mandatory/client is deemed to be the employer of the contractor/labour broker's employees.

However, for the COID letter, the following will prevail for tender purposes only in case a letter of good standing is not submitted

Contractor/supplier can submit the following:

- An insurance letter equivalent to a COID letter as surety. It should cover accidental death and disability cover to the minimum value of R500 000 (Applicable to companies that do not have employees)
- Proof of assessment by the Compensation Commissioner and proof of payment by supplier
- For international suppliers, the equivalent from the country of origin of the supplier based. For a supplier whose country does not issue such certificate equivalent to COID, the relevant legislation must be submitted. However, if the supplier has offices in South Africa and has employed South African citizens, a COID certificate must be submitted.


3. SHE Requirements Explanation

Requirements	Explanation
1. Acknowledgement of Eskom's rules and requirements (Annexure B)	Ensure that all applicable rules and requirements are referenced in this form in order for the supplier to acknowledge and comply with them. Ensure that this completed form is included in the enquiry procurement package. To be signed and submitted by the tenderer.
2. Baseline SHE Risk Assessment	Refers to the SHE hazards/aspect and risks/impact that are identified and assessed before the inception of a new project and commencement of operations. The baseline risk assessment shall include both routine and non-routine tasks.
3. Competency	A person who, in respect to the work that has to be done, has the required training, knowledge and experience, and, where applicable, qualifications relevant to that work or task. Provided that where appropriate qualifications and training are registered in terms of the provisions of the National Qualifications Framework Act, No 67 of 2008, those qualifications and training must be regarded as the required qualifications and training, and is familiar with the Act and applicable regulations made under the Act. <ul style="list-style-type: none"> - First aider (If or when applicable) - SHE professional (If or when applicable)

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	- Incident investigator (If or when applicable)
4. Environmental Management Plan	The applicable detailed contract-specific/scope-of-work-specific environmental requirements that will be complied with and managed by the tenderer.
5. Safety, Health and Environmental plan	<p>Means a site, activity or project documented plan in accordance with the clients SHE requirements. The plan must be scope or project based. The plan must reflect an organised system (method statements, processes, resources etc) which the supplier will comply with and enforce to manage the SHE risk during the lifecycle of the project. This can also be in the form of an OHS manual.</p> <p style="text-align: center;">OR</p> <p>For contractors/suppliers with a few employees, a SHE method statement must be submitted.</p>
6. Valid letter of good standing	Registration with the Compensation Commissioner (COID) or a licenced mutual company or an equivalent of it (for international bidders). If a company has only one employee (CEO, owner), the supplier shall submit an insurance letter that covers accidental death and disability to the value of R500 000 as a minimum.
7. SHE policy	A statement of intention by the employer which provides a framework for setting SHE objectives to improve SHE performance and also emphasises management commitment to employees' wellbeing and duty of care to the environment.
8. Costing for Safety, Health and Environmental Management	<p>Has the tenderer submitted costing for SHE management activities?</p> <p>SHE costing must reflect the amount of funds that will be allocated for SHE when the project commences (This is a breakdown of the bulk SHE costing in the bill of quantities) and it should be based on the scope of work and the associated risk. The items to be included are not limited to the following:</p> <p>PPE, SHE training, SHE professionals, First aid equipment, Ablution facilities, Safety signs, safety campaigns or interventions, SHE equipment/instruments, Medical examinations etc</p>

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ANNEXURE A

ACKNOWLEDGEMENT FORM

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

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

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

Or: Incorrect or incomplete for the following reasons:

Cataloguing Acknowledgement: [Please select the relevant statement by ticking the appropriate box below]:

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

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

Invitation to Tender /RFP number) _____

Name of company/JV: _____

Country of registration _____


Name of contact person: _____ Contact details of contact person: Tel (landline) _____ Cell phone: _____

e-mail address _____

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ANNEXURE B: TENDERER'S PARTICULARS

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

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


Name of lead partner/member in case of JV	
CIPC Registration Number (for each individual company / JV member)	
VAT registration number (for each individual company / JV member)	
CIDB registration number (for each individual company/JV member if applicable)	
Shareholding information (for each individual company/JV member) clearly identifying percentages owned by individual shareholders (full names & ID Numbers) and other entity shareholders (provide full legal/trading name and respective identifying registration/trust numbers)	Include as separate tender returnable if required.
Contact person	
Telephone number	
E-mail address	
Postal address (also of each member in the case of a JV)	
Physical address (also of each member of the JV)	

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

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Name of contractor	
CIPC Registration number	
VAT registration number	
CIDB Registration number (if applicable)	
Shareholding organogram /breakdown (for each individual company/JV member) clearly identifying percentages owned by individual shareholders (full names& ID Numbers) and other entities (provide full legal/trading name and respective identifying registration/trust numbers)	
Proposed Scope of work to be done by sub-contractor	
Contact person	
Telephone number	
Fax number	
E-mail address	
Postal address	
Physical address	

1. If you are currently registered as a vendor with Eskom, please provide your Vendor registration number with Eskom. _____
2. If you are currently registered as a vendor on the Treasury Central Supplier Database (CSD) please provide your supplier registration number with Treasury _____
3. Please note that it is mandatory for you to register on National Treasury's CSD, if you intend doing work with any State department or State owned entity/company.
4. You may register online at National Treasury website on www.treasury.gov.za
 1. Alternatively, you may contact Shirly Dhladhla at +27 13 295 9465.

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2. If you are registered on SARS E-filing system, please provide your PIN number in order to verify your tax compliance status _____
3. 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/will send a copy of a current valid tax compliant certificate as a tender returnable (by contract award stage).

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

4. If sub-contracting is required in the specific enquiry, you need to complete 8.1 - 8.9

Confirm if you intend sub-contracting

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

- 1.1 What percentage will you be sub-contracting? _____%
- 1.2 To whom do you intend sub-contracting? _____
- 1.3 Is the said sub-contractor registered on CSD?

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

- 1.4 If yes to 8.4, please provide CSD number. _____
- 1.5 Please confirm B-BBEE level of said sub-contractor _____
- 1.6 Which designated group does the sub-contractor belong to:-

- (a) Black people
- (b) Black people who are youth
- (c) Black people who are women
- (d) Black people with disabilities
- (e) Black people living in rural or underdeveloped areas or townships
- (f) Cooperatives which are 51% owned by Black people
- (g) Black people who are military veterans

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

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


- 1.8 Have you attached proof of sub-contractors belonging to designated group?

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

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A. Single tenderers

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

Signature: _____ Designation: _____

B. Joint Ventures

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


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

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

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ANNEXURE C

INTEGRITY DECLARATION FORM

(Form to be completed and signed by supplier/tenderer as Invitation to Tender/RFP returnable or as part of contract modification documentation)

ANNEXRE C: DECLARATION OF INTEREST


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

- the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors in the state or a state owned entity.
- the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors of Eskom
- the *tenderer/s* employees/directors are also employees/contractors/consultants or directors in another entity together with Eskom employees/consultants/contractors/ directors
- the *legal person/s (including its employees/contractors/directors/members/ shareholders)* on whose behalf the tender documents are signed, is in some other way “related” to an Eskom employee/contractor/consultant/director involved in the tender evaluation/tender adjudication/tender negotiation. “Related” meaning that:-
 - an individual is related to another individual if they are married, or live together in a relationship similar to marriage;
 - or are separated by no more than two degrees of natural or adopted consanguinity or affinity;
 - an individual is related to a juristic person if the individual directly or indirectly controls the juristic person, as determined in accordance with the definition of “control” (as per Companies Act section 2(1)); and
- a juristic person is “related” to another juristic person if :-
 - (1) either of them directly/indirectly controls the other, or the business of the other, as determined in accordance with the definition of “control”(as per Companies Act section 2(1));
 - (2) either is a subsidiary of the other; or
 - (3) a person directly/indirectly controls each of them, or the business of each of them, as determined in accordance with the definition of “control”
- the *tenderer/s* and one or more of the *tenderers* in this tendering/RFP process have a controlling partner in common, or a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of

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another tenderer, or influence the decisions of Eskom regarding this bidding process;
To give effect to the provisions above, please complete the table hereunder with all required information.

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

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

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

2. DECLARATION OF FAIR TENDERING PRACTICES

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

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

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


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

Item	Question	Yes/No	No
1.1	Is the <i>tenderer/s(or any of its directors/members/shareholders)</i> listed on National		

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	Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector, or listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004) The Database of Restricted Suppliers and the Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za).		
1.2	Was the <i>tenderer/s</i> (or any of its directors/members/shareholders) convicted by a court of law (including a court outside South Africa) for fraud and/or corruption with respect to the procurement/tendering processes/procedures during the past five years?		
1.2.1	Provide details.		
1.3	Was the <i>tenderer/s(or any of its directors/members/shareholders)</i> prohibited from doing business with any International Financial Development/funding Agency or Lending Institution		

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

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

Signature:	
Designation and capacity in which signing:	
Date:	


Joint Ventures

I, the undersigned, _____ hereby confirm that acting in the capacity of lead partner, I am duly authorised to sign all documents in connection with the tender and any contract resulting from it on behalf of _____

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_____ (insert the full legal name of the JV).

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


Signature:	
Designation and capacity in which signing :	
Date:	

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

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ANNEXURE D

CPA REQUIREMENTS FOR LOCAL GOODS AND SERVICES (SOUTH AFRICA)

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

This Section will not be applicable to professional services contract

1. APPLICATION OF CPA

Eskom requires tenderers to submit offers that are in full accordance with the Project Sourcing CPA principles as contained below.

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

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

2. TENDER SUBMISSIONS

Tenderers shall comply with the following requirements:

a. Main offer:

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

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

b. Additional/Alternative offer:

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


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

Additional/Alternative Offers must be clearly indicated as such

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3. ESKOM'S PRESCRIBED INDEX LIST

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

4. FOREIGN PORTION OF THE TENDER/AGREEMENT PRICE

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

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

5. NUMBER OF FORMULAE & INDICES

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

6. CPA FIXED PORTION

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

7. BASE DATE


- 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 more intervals than once a month: *The average for the month before the month in which the Enquiry closes*
- In this case, the following shall apply:
 - Where the average is published:

The average published price in the currency Eskom will be exposed to. e.g. The currency in which Eskom will effect payment
 - Where a high, low and mean are published:

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The mean

- Where other prices than the Cash Settlement or Cash Sellers Price are published:

The Cash Settlement or Cash Sellers Price

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

8. CPA FOR PROFESSIONAL SERVICES

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

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

No fixed portion is mandatory.

Signed	_____	Date	_____
Name	_____	Position	_____
Tenderer	_____		

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

Labour	Commodities	Processed material	Transport	Others
Labour general (hourly paid) SEIFSA, C3, actual labour cost	Steel StatsSA, P1215102, basic iron and steel	Mechanical engineering material SEIFSA, G, mechanical engineering material	SEIFSA, L2, road freight costs	StasSA, PO141 CPI (Headline) OR SEIFSA, D-1 (CPI)
	Copper SEIFSA, F, copper metric ton	Electrical engineering material SEIFSA, G, electrical engineering material		
Labour general SEIFSA, C3 (a), actual labour cost (field force) where subsistence allowance is paid	Aluminium SEIFSA, R, aluminium	Building and construction material SEIFSA, G, building and construction material		StasSA, PO142.1 (P1000002), PPI all groups OR SEIFSA, U (Domestic Output)
	Zinc SEIFSA, F, zinc			
Lead SEIFSA ,F, lead				

Table 2: Prescribed Foreign Index List


Note: Only Eskom acceptable international currencies can be used for tender purposes and the indices to be used will be linked to these currencies.

Labour	Commodities	Processed material	Transport	Others
National Statistical Institute, Country-specific general labour index	MEPS, Country-specific general steel index	National Statistical Institute, Country-specific mechanical engineering material	National Statistical Institute, Country-specific general transport cost index	National Statistical Institute, Country-specific CPI (Headline) National Statistical Institute,
	LME, Copper	National Statistical Institute,		

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	LME, aluminium	Country-specific electrical engineering material		Country-specific PPI
	LME, zinc	National Statistical Institute,		
	LME, lead	Country-specific building and construction material		

Closing date of tender _____ / _____ / _____ TENDERER'S SIGNATURE _____
--

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ANNEXURE E

CPA (IG) REQUIREMENTS FOR FOREIGN GOODS AND SERVICES

CONTRACT PRICE ADJUSTMENT AND FOREX PAYMENTS – IMPORTATION

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

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

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

PART 1: PAYMENT OF FOREIGN COMMITMENTS

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

Payment Method 1:

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

Applicable (Y / N)

b) To a valid SARB approved CFC account in South Africa, in a foreign currency (payment will be made to the party and account nominated by the supplier in the contract, and not to any other party). Service related payments are excluded from this option;

Applicable(Y/N) or

Payment Method 2:

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


Applicable (Y/N).....

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

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

Eskom will require substantiating proof of importation at the time of invoicing, regardless of which payment method is selected.

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

Provided that the tenderer nominates either Payment Method 1 or 2 as the main tender offer, an alternative payment method offering a fixed price not subject to exchange variation may be offered for Eskom's consideration.

Where Payment Method 2 is used and the exchange rate variation is favourable to Eskom at the date of payment, Eskom will debit the difference between the invoice value and the amended value at the date of payment, based on the selling spot rate of exchange obtainable by Eskom's Treasury on the notified payment date.

PART 2: EXCHANGE RATES

The tenderer shall use the exchange rate as at the time of preparation of the tender and shall stipulate the date of the rate used in the tender.

Any request for a change of currency during contract execution, shall be substantiated by the requesting party and be mutually agreed by the parties to the contract. The requesting party shall be liable to absorb all related costs that Eskom has incurred, in relation to the affected portion, in securing the hedge, including any losses that Eskom may suffer as a result of cancellation of such forward cover;

Eskom must not be placed in a worse position than before the requested change, thus the Contractor will be paid in either:

- the rate at which the cover was cancelled, or
- The tendered rate of exchange.

PART 3: ADJUSTMENT OF IMPORTATION COSTS, ETC


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

	RATES/TARIFFS
Sea/Air Freight	
Bunker Adjustment Factor	
Currency Adjustment Factor	

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Marine Risk Insurance (MRI) (Eskom will provide cover)	
Rate for Extension of MRI after Arrival of Goods at Site (if required)	/month
Wharfage	
Landing Charges	
Customs Duties	
RSA Port on which Import Charges are Based	

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

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

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

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

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

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

4.1 MANUFACTURING CPA METHOD (LABOUR AND MATERIAL)

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

4.2 EXPATRIATE LABOUR METHOD

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


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

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

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

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

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

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


Closing date of tender _____/_____/_____

TENDERER'S SIGNATURE _____

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ANNEXURE F1

SBD 6.2

DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

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

Before completing this declaration, bidders must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2017, the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

1. General Conditions

- 1.1. Preferential Procurement Regulations, 2017 (Regulation 8) make provision for the promotion of local production and content.
- 1.2. Regulation 8.(2) prescribes that in the case of designated sectors, organs of state must advertise such tenders with the specific bidding condition that only locally produced or manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Where necessary, for tenders referred to in paragraph 1.2 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

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


Where

- x is the imported content in Rand
y is the bid price in Rand excluding value added tax (VAT)

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

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

- 1.6. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation;
- 2. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:**

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

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

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

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

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

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


Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

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

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

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

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

IN RESPECT OF BID NO.

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

NB

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


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

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

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

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

If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above. The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E.

- (d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
- (e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 14 of the Preferential Procurement Regulations, 2017 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

SIGNATURE: _____

DATE: _____

WITNESS No. 1 _____

DATE: _____

WITNESS No. 2 _____

DATE: _____

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



Adobe Acrobat Document

Annexure F3 - Imports Declaration-Supporting schedule D)




Adobe Acrobat Document

to Annex C(annex

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



C

ANNEXURE G



CONFIRMATION OF RECEIPT OF ADDENDA TO THE ENQUIRY

We confirm that the following communications received from the *Employer* before the submission of this **[tender/proposal]**, amending the tender documents, have been taken into account in the **[tender/proposal]**:

Item	Date Received	Title or Description
1.		
2.		
3.		
4.		
5.		
6.		

(Attach additional pages if more space is required)


Name and Designation

Signature

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ANNEXURE H

SBD 1


**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/PUBLIC ENTITY)					
BID NUMBER:		CLOSING DATE:		CLOSING TIME:	
DESCRIPTION					
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	<input type="checkbox"/> Yes <input type="checkbox"/> No	
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?					
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX	<input type="checkbox"/>	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)			
	<input type="checkbox"/>	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)			
	<input type="checkbox"/>	A REGISTERED AUDITOR			
		NAME:			
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMEs& QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					

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ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ANSWER PART B:3 BELOW]
SIGNATURE OF BIDDER		DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)			
TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE (ALL INCLUSIVE)	
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
DEPARTMENT/ PUBLIC ENTITY		CONTACT PERSON	
CONTACT PERSON		TELEPHONE NUMBER	
TELEPHONE NUMBER		FACSIMILE NUMBER	
FACSIMILE NUMBER		E-MAIL ADDRESS	
E-MAIL ADDRESS			

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PART B TERMS AND CONDITIONS FOR BIDDING


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 ONLINE
1.3.	BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
1.4.	WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
1.5.	THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.
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 VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3	APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
2.4	BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.
2.5	IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.
2.6	WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS	
3.1.	IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.2.	DOES THE BIDDER HAVE A BRANCH IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.3.	DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.4.	DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.	

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

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Annexure I

SBD 6.1

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- 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).
 - a) The value of this bid is estimated to **exceed/not exceed** R50 000 000 (all applicable taxes included) and therefore the **.....** preference point system shall be applicable; or
 - b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.2 Points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

1.3 The maximum points for this bid are allocated as follows:


	POINTS
PRICE	
B-BBEE STATUS LEVEL OF CONTRIBUTOR	
Total points for Price and B-BBEE must not exceed	100

1.4 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

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- 1.5 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
 - 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

3.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS


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

80/20
or
90/10

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

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

P_{\min} = Price of lowest acceptable bid

4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

- 4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (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

5. BID DECLARATION

- 5.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:-


6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

- 6.1 B-BBEE Status Level of Contributor: . =(maximum of 10 or 20 points)
 (Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

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7. SUB-CONTRACTING

7.1 Will any portion of the contract be sub-contracted?

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

7.1.1 If yes, indicate:

i) What percentage of the contract will be subcontracted%

ii) The name of the sub-contractor

iii) The B-BBEE status level of the sub-contractor

iv) Whether the sub-contractor is an EME or QSE

(Tick applicable box)

YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

Designated Group: An EME or QSE which is at least 51% owned by:	EME	QSE
	√	√
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		


8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of company/firm: _____

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8.2 VAT registration number: _____

8.3 Company registration number: _____

8.4 TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
 - One person business/sole propriety
 - Close corporation
 - Company
 - (Pty) Limited
- [TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....
.....
.....
.....

8.6 COMPANY CLASSIFICATION

- Manufacturer
 - Supplier
 - Professional service provider
 - Other service providers, e.g. transporter, etc.
- [TICK APPLICABLE BOX]

8.7 Total number of years the company/firm has been in business:


8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –

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- (a) disqualify the person from the bidding process;
- (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
- (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
- (e) forward the matter for criminal prosecution.

<p>WITNESSES</p> <p>1.</p> <p>2.</p>	<p>.....</p> <p>SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE:</p> <p>ADDRESS</p> <p>.....</p> <p>.....</p>
--	--

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