	Invitation to Tender MPGXC006629	Template Identifier	240-114238630	Rev	9
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		Effective Date	11 February 2020		
		Review Date	February 2023		

ESKOM HOLDINGS SOC LTD

INVITATION TO TENDER

FOR


INSPECTIONS, REPAIRS AND REPLACEMENTS OF VARIOUS PARTS OF THE DUST HANDLING PLANT DURING PLANNED AND UNPLANNED OUTAGES AND OPPORTUNITY MAINTENANCES FROM UNIT 1 TO UNIT 6 AT KENDAL POWER STATION ON AN AS AND WHEN REQUIRED BASIS FOR A PERIOD OF FIVE (5) YEARS.

Tender number	MPGXC0006629
Issue date	20 April 2021
Closing date and time	07 June 2021 @ 10H00
Tender validity period	120 days from the closing date and time
Clarification meeting	Tuesday 4 May 2021 @10H00 Opening Hall – Kendal Power Station
Tenders are to be delivered to the following address on the stipulated closing date and time:	THE TENDER OFFICE ESKOM TENDER BOX, GROUND FLOOR NO. 10 SMUTS AVENUE EMALAHLENI (WITBANK) MPUMALANGA

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Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a *tender* for inspections, repairs and replacements of various parts of the Dust Handling Plant during planned and unplanned outages and opportunity maintenances from unit 1 to unit 6 at Kendal Power Station on an as and when required basis for a period of five (5) years.

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 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 documents may be addressed to the Eskom *Representative*.

Yours faithfully,




Thamsanqa Mnguni
Procurement Manager
Kendal Power Station
Date: 20 April 2021

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The following documents listed hereunder are attached to this enquiry – check this against SD&L report and align

Number	Description	Annexure/to be downloaded and 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 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	Annexure D	
6.5	CPA(IG) for Foreign Goods/Services (if applicable)	N/A	
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	
6.7	SBD 1 -Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure G	
6.8	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	Annexure H	
6.9	Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE.	Annexure I	
6.10	Supplier Development & Localisation (SDL&I) Undertaking (if applicable)	To be used at contract award (if applicable)	

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1.2 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** is not attached to the **Invitation to Tender**; then the tenderers are required to download this from www.eskom.co.za. The “**Tender Data**” as detailed herein shall take precedence over the **Standard Conditions of Tender** in the event of any ambiguity or inconsistency between the two documents.

Clause Number from Standard Conditions of Tender	Tender Data
1.1 Parties	<p>The Employer is Eskom Holdings SOC Ltd</p> <p>The Eskom Representative is: Name: Masabata Mphomane Tel: 011 800 6209 E-mail: Mphomam@eskom.co.za</p>
1.3 Enquiry documents	<p>The Invitation to tender number is : MPGXC006629 See the content list above for the enquiry documents.</p>
1.4 Type of Invitation to Tender/RFP	<p>This invitation to tender is:</p> <p>1. An open Invitation to tender</p>
1.6 Eskom's rights to accept or reject any tender	<p>The tender shall be for the whole of the contract.</p>
2.1 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/proposal] either individually or as a partner in a joint venture (JV) or consortium • [Tenders/proposals] 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

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	<p>may be considered to have a conflict of interest with one or more parties in this tendering process, if :</p> <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; <ul style="list-style-type: none"> ● 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>
2.2 -2.5 Tender Closing	<p>The deadline for Tender submission is: Date : 7 June 2021 Time: 10H00</p> <ul style="list-style-type: none"> ● Late Tenders will not be accepted ● Faxed and e-mailed tenders will not be considered for evaluation. <p>Tenders are to be submitted to the Eskom tender box at the following physical address:</p> <p>THE TENDER OFFICE ESKOM TENDER BOX, GROUND FLOOR NO. 10 SMUTS AVENUE EMALAHLENI (WITBANK) MPUMALANGA</p> <p>The envelope / file /package should be marked as follows: Masabata Mphomane Kendal Power Station Enquiry No. MPGXC006629</p>
2.9 Copy of original tender	<p>The tenderer must submit the tender as a complete original tender, plus one (1) hard copy of the original tender at tender submission deadline. Eskom may also require that one (1) additional complete soft copy of the original tender is required in electronic format.</p>

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	Where a Tenderer does not submit 1 hard copy of the original tender at tender submission deadline, the tenderer will be disqualified.
2.13 Tender Validity Period	The tender validity period is 120 days after the tender closing date.
2.16 Site/clarification meeting	<p>Non-compulsory clarification is scheduled as follows:</p> <p>Date : 4 May 2021 Time : 10H00 Venue: Kopanong Hall – Kendal Power Station</p> <p>Note:</p> <ul style="list-style-type: none"> • Tenderers to read and print own tendering documents (downloaded from advertising platforms) to avoid inconvenience in case of load shedding, technical problems w.r.t use of projectors etc. • Due to technical difficulties, virtual clarification will not be organized. • Tenderers must confirm their intention to attend with the Eskom Representative stating the name, position, time, and contact details of each proposed attendee for headcount purposes. • Tenderers are requested to use their own facemasks. • Hand sanitisers will be provided at the venue entrance.
2.17 Clarification on enquiry documents	The tenderer will notify the Employer of any clarifications required before the closing time for clarification queries, which is 5 working days before the deadline for tender submission.
2.23 Alternative tenders	Alternative tenders are not allowed.
2.25 Conditions of contract	<p>The conditions of contract will be the NEC3 Term Service Contract (TSC) with the following conditions:</p> <p>Main Clauses:</p> <p>A. Priced contract W1. Dispute resolution</p> <p>Secondary clauses:</p> <p>X1: Price adjustment for inflation X2: Changes in the Law X17: Low Service Damage X18: Limitation of Liability X19: Task Order X20: Key Performance Indicators</p>
2.31 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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<p>3.4 Opening of tenders</p>	<p>Tenders will be opened at the same date and time as the tender deadline;</p> <p>Tenders will be opened on: Place: The tender office Eskom Tender Box, Ground Floor No. 10 smuts avenue Emalahleni (Witbank) Mpumalanga</p> <p>Date: 7 June 2021 Time: 10H00</p>
<p>3.5 Prices to be read out</p>	<p>Prices will not be read out.</p>
<p>3.9 Basic Compliance</p>	<p><u>Step 1- Basic Compliance</u></p> <p>In order to qualify for further evaluation, tenders will be reviewed for compliance to all submission requirements:</p> <p>Basic compliance for this invitation to tender RFP are:</p> <ul style="list-style-type: none"> • Meet the eligibility criteria for a tenderer • 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.....) • Submit one copy of the original tender to Eskom:1 original and 1 copy and/or memory stick (not mandatory) • Central Supplier Database - CSD number (MAAA...) • Price list completed in in full • Valid BBEE certificate • Valid COID certificate • Tax clearance certificate • Price list completed in full (Eskom price list issued with the tender) <p>NB: Please note that it is mandatory for supplier to register on National Treasury's Central Supplier Database, if you intend doing work with any State department or State owned entity/company.</p> <p>Eskom requires all tenderers to comply with the Eskom's specifications. Tenderers who do not meet Eskom's specification will result in the tenderer not being evaluated further.</p>

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3.10 Mandatory tender returnables	A tenderer that does not submit mandatory documents/information in required in mandatory documents by the required deadlines as stipulated in the Tender Returnable section of the respective Invitation to Tender; will be deemed non-responsive.						
3.11 Pre-qualification criteria	Not applicable						
3.12 Designated materials and thresholds	Not applicable						
13 Functionality requirements	<p>Step 2: Functionality Evaluation (Technical)</p> <p>Criterion that will be applied to evaluate functionality (technical) is</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 33%;">Functionality criteria</td> <td style="width: 33%;">Weighting</td> <td style="width: 33%;">Overall threshold for qualification</td> </tr> <tr> <td>Technical</td> <td>100%</td> <td>80%</td> </tr> </table> <p>Qualitative technical evaluation criteria below:</p>	Functionality criteria	Weighting	Overall threshold for qualification	Technical	100%	80%
Functionality criteria	Weighting	Overall threshold for qualification					
Technical	100%	80%					

	Qualitative Technical Criteria Description	Reference to Technical Specification / Tender Returnable	Criteria Weighting (%)	Criteria Sub Weighting (%)
1	Tenderer shall provide a brief company background , proof of existence (<i>CIPC register and CIDB grading numbers</i>) and overall company experience on Bulk Materials Handling systems on not more than one (1) page.	Company profile (Hard copy or Website) shows proof of BMH experience, Proof of CIDB rating.	5%	
2	Tenderer shall provide execution organogram for the site personnel, in order to conduct the full GO outage scopes as per the SOW after contractor site survey is completed.	Provide organogram with: Individual's name, surname, position and ID number are included. No offsite personnel to be indicated.	8.0%	
3	Tenderer shall provide all individual's CVs based on the organogram submitted above.	Each CV to reflect individuals responsibility (refer to scope of work for guidance) and experience relevant to the indicated position.	7.5%	
4	Tenderer shall provide one (1) full statement of work for the maintenance work previously executed by his or her company on various bulk material handling systems or any other mechanical maintenance work done on any production plant with various systems within the past 3 years and its respective contract details on not more than three (3) pages.	1) Deliverables or specific tasks or services, sections covered, resources used, expected performance or outcomes and quality acceptance criteria 2) Details should include contract number, contract manager details, completed and signed job cards, month and year period of execution. All should be on	15.0%	

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		client's official letterhead.		
5	Tenderer shall provide the company's quality control and assurance measures on any BMH maintenance work previously executed to be accompanied by at least 2 completed, dated and signed QCPs for the previously executed <i>maintenance work on any production plant</i> .	A blank example as well as signed QCP's provided. QCP should be easy to follow and show the flow of work. Previously executed QCP's are provided	8.0%	
6	Tenderer shall provide the detailed methodology and safe working method of executing example maintenance work on one complete conveyor system considering that the entire conveyor belt and conveyor drive has to be replaced and its associated system overhauled, optimised, function testing and commissioned.	Indicate the type of activities performed while considering the other stakeholders roles and responsibilities. e.g. cleaning, unblocking, rigging, PTW etc.	8.0%	
7	Tenderer shall provide the detailed methodology and safe working method of executing example fault finding and maintenance work on one complete bucket elevator belt replacement considering that the belt has snapped . It needs to be optimised, function testing and commissioned. Indicate the type of activities performed while considering the other stakeholders roles and responsibilities. e.g. cleaning, unblocking, PTW etc.	Indicate the type of activities performed while considering the other stakeholders roles and responsibilities. e.g. cleaning, unblocking, PTW etc	8.0%	
8	Tenderer shall provide the detailed methodology and safe working method of executing example maintenance work on one complete Primary Chain conveyor considering that the Primary Chain conveyor (drag chain system) has to be overhauled . It needs to be optimised, function testing and commissioned.	Indicate the type of activities performed while considering the other stakeholders roles and responsibilities e.g cleaning, unblocking, PTW etc.	8.0%	
9	The contractor shall provide a work breakdown structure subdivided into smaller tasks which shall constitute activity number, description and all resources (people, tools and equipment) required based on the need to cover for all the services as per the SOW . Also indicated resources to be provided by the client and support with reasons.	Detailed breakdown structure is practical and easy to follow.	10.0%	
10	Provide proof of previous boiler making work that was done with quality data packs.	Photographic proof accompanied by the QCP, Material certificates	2.5%	
		and Non-destructive testing where applicable Provide one (1) complete work package		
11	Does the supervisor and execution manager have more than 5 year of technical experience on bulk handling material?	Provide proof	5.0%	
12	Indicate methods that will be followed to address slippage on committed RTS times for addressing emerging defects.	Strategy provided is easy to follow, will address the immediate risks and indicates how the root cause will be prevented going forward.	5.0%	
13	As per SOW requirement, it is expected that the contractor is conversant and familiar with the available technical plant documentations (<i>plant spares specification, training of personnel as per plant manuals, drawings, belt denoting, KSS numbers etc.</i>) for the whole AHP plant	Indicate what plans will be put in place to ensure the speedily achieving of this requirement if no proof can be provided of previous BMH work done on the Kendal DHP	5.0%	
14	Contractor to provide a list (minimum of 4) of key performance indicators by which they recommend to be measured by.	These indicators should be specific, measurable, objective, achievable and simple to understand	2.5%	
15	Technical section properly indexed and in accordance with technical criteria and technical evaluation.	Professionalism of document is paramount	2.5%	

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Disclaimer: Tenderers who do not meet the threshold for functionality scoring will be disqualified and not be evaluated further.

3.15 Evaluation of price

Step 3: Evaluation of Price based on 80/20 principle

Prices will be evaluated as follows:

80% Price
20% BBEE

Price and Preference Analysis

- Calculate price - 80 points.
- Apply preference points according to B-BBEE level contribution points:
- Add price points and preference points
- Select tender with highest points (Price Points + Preference Points)
- 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.


3.17 Evaluation of B-BBEE

B-BBEE status will be scored out of 20 points in accordance with PPPFA.
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 tenderer will, however, be awarded 80 points for price and will score 0 points for B-BBEE level /status (out of 20)

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	B-BBEE	Qualification	Number of Points (80/20 system) For procurement above R30 000.00 including VAT
	1	≥ 100 points	20
	2	≥ 85 points < 100 points	18
	3	≥ 75 points < 85 points	14
	4	≥ 65 points < 75 points	12
	5	≥ 55 points < 65 points	8
	6	≥ 45 points < 55 points	6
	7	≥ 40 points < 45 points	4
	8	≥ 30 points < 40 points	2
	Non-compliant contributor	< 30 points	0

3.18 Ranking of tenders

Suppliers will be ranked by applying the preferential point scoring based on the relevant system as stipulated hereunder]:-

- 80/20 (for estimated values above R30 000 and up to R50M inclusive of VAT) or 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

Eskom will then add the score from Pricing and the B-BBEE level together and rank the suppliers from the highest to the lowest.

3.19 Objective Criteria

Objective criteria will not apply:-

Contractual Requirements

Step 4: Contractual Requirements will include the following

- Financial analysis using supplier statements
- SHEQ requirements:
 - health and safety
 - environmental
 - quality
- Supplier Development and Localization (SD&L)


4.1 Financial Analysis.

- An analysis of the tenderers latest valid financial statements will be conducted for the purposes of establishing the tenderers financial viability and ability to meet all of its contractual obligations for the duration of the contract, should the tenderer be recommended for contract award.

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- The outcome of a financial analysis of the supplier's financial statements is an objective criterion that must be conducted as a due diligence and risk mitigation step as a pre- requisite to contract award. This is required to determine if the supplier is financially stable enough to execute a contract/order of the magnitude to be awarded.
- To the extent that such risks are identified as part of the analysis of the financial statements, a risk mitigation strategy must be included as part of the recommendation. If the risks cannot be mitigated to ensure performance against the contract, the contract may have to be awarded to another supplier, which may not be the highest ranked.

SHEQ :

4.2 Health and Safety


The specific requirements that will be mandatory for informing the tenderer and the requirements that the tenderer has to comply with when submitting the tender returnable:


1. Baseline Risk Assessment
2. SHE Specification
3. Annexure B
4. SHE Evaluation C1(High Risk Category)
 - Annexure B (signed and dated)
 - Health and Safety Plan (Signed and dated)
 - H&S Costing
 - Baseline Risk Assessment (Signed and dated)
 - Valid letter of good standing
 - SHE Policy (Signed and dated by the CEO)
 - Proof of SHE Competency
5. Contractor Health and Safety Requirements 32-136
6. COVID 19 PPE Requirement and Directives

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	Annexure B: Acknowledgement Form for Eskom SHE Rules and other Requirements	Template Identifier	240-43921804	Rev	5
		Document Identifier	240-77471499	Rev	2
		Effective Date	November 2016		
		Review Date	December 2021		

The specific requirements that will be mandatory for informing the tenderer and the requirements that the tenderer has to comply with when submitting the tender returnable:

NOTE: the tenderer has to ensure that he/she understands the SHE requirements listed hereunder.

1. The supplier is expected to comply to the following documents when working at/rendering a service to Eskom but not limited to the following:
 - a. Eskom contractor Health and Safety requirements standards 32-136
 - b. SHE specification provided (1015696)
 - c. Occupational Health and Safety Act 85 of 1993 and Regulation
 - d. Compensation for Occupational Diseases and Illnesses Act 130 of 1993
 - e. National Environmental Management Act 107 of 1998
 - f. 240-62196227 Life- saving Rules
 - g. 32-727 SHEQ Policy
 - h. 32-95 Environmental, Occupational Health and Safety Incident Management Procedure
 - i. 32-136 Contractor Health and Safety
 - j. 32-37 Eskom Substance Abuse Procedure.
 - k. 32-520 Risk Assessment procedure
 - l. 240-62946386 Vehicle and Driver Safety Management Procedure
 - m. 240-43848327 Employees' Right of Refusal to Work in an Unsafe Situation Procedure
 - n. 32-1126 Eskom Smoking Policy
 - o. Disaster Management Act 57 of 2002 (COVID19)

Note: Please note that after contract award, it is your responsibility to fully align the company's processes to Eskom's SHE requirements (policies, procedures, standards etc).

2. Work stoppages that are initiated due to SHE related shall not warrant any financial compensation claim lodged against Eskom.

3. Financial penalties shall be enforced on the main supplier for non-conformance/s (identified for the main supplier and/or its sub-contractor and/or supplier) pertaining to Eskom and/or Statutory SHE requirement/s.

4. Ensure that all employees (contractors/suppliers) undergo the relevant Eskom induction and company's induction


5. Management of Contractors and Suppliers

- a) The main supplier has to demonstrate to Eskom the process and selection criteria applied when appointing contractors and suppliers.
- b) The main supplier has to provide notification to Eskom, prior to the appointment of contractors or suppliers for the commencement of work.

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- c) The main supplier has to ensure that contractors and suppliers possess adequate resources and competencies.
- d) The main supplier is accountable for the management of its contractors or suppliers in order to ensure that the applicable legal and Eskom requirements (that are applicable to the main supplier during contract execution) are complied with by the contractors or suppliers.
- e) The main supplier shall monitor contractors or suppliers through audits and assessments with regard to SHE compliance during the execution of the work.
- f) The grounds for the termination of work done by contractors and suppliers shall be provided by the main supplier.
- g) All non-conformances/non-compliance by the contractors/suppliers (all tiers) to the main supplier shall be dealt with directly with the main supplier in terms of performance and penalty processes.
- h) Eskom reserves the right to verify this when deemed necessary. The contractor may be instructed to provide copies of testimonials/references and the contact detail of clients (including Eskom) for whom the Company has done previous work of a similar nature

I, the undersigned, hereby acknowledge that I have obtained copies of the above documents and confirm that I fully understand them and the consequences of non-compliance.

Signed at on day of 20.....

.....
Name of Authorised person (CEO/Director/ Managing Director)

.....
Signature

.....
Date


Witness 1

Witness 2

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	Annexure C 1: SHE Tender Evaluation Template (High risk)	Template Identifier	240-43921898	Rev	5	
		Document Identifier	240-77471651	Rev	2	
		Effective Date	October 2016			
		Review Date	October 2021			


1. High risk

<u>Ref.</u>	<u>KPIs</u>	<u>Submission</u>	<u>Actual score</u>	<u>Comments</u>
		Y = Yes N = No N/A = Not applicable		
1	Annexure B Is the acknowledgement of Eskom's SHE rules and requirements form (Annexure B) signed and submitted by the tenderer?			
2	OHS plan (Applicable to high risk work only) As per the attached SHE Specification			
3	Costing for Safety Health and Environmental management Has the tenderer submitted detailed (The cost should be broken down not provided as a lump sum) costing for SHE, i.e. – <ul style="list-style-type: none"> • based on the overall scope of work/service to be performed; • the generic scope of work/service risk assessment – will may serve as a guideline. 			

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<u>Ref.</u>	<u>KPIs</u>	<u>Submission</u>	<u>Actual score</u>	<u>Comments</u>
		Y = Yes N= No N/A = Not applicable		
4	Baseline Risk Assessment (BRA) Identification, assessment and management of SHE risks related to the scope of work. The methodology used for the risk assessment must be provided together with the BRA <ul style="list-style-type: none"> • identification of all hazards; • evaluation of the risks; • Measures to control the risks. 			
5	Valid Letter of Good Standing (COIDA or equivalent)			
6	SHE policy signed by CEO/ MD- Comply to OHS Act Section 7 or OSHAS 18001			
7	SHE Competency (Consider scope of work, risks, SHE plan and applicability) CV,s and qualifications / certificates e.g. <ul style="list-style-type: none"> - First aiders (More than 5 employees) - Safety officer - SHE Representative (more than 20 employees) 			

<u>Ref.</u>	<u>KPIs</u>	<u>Submission</u>	<u>Actual score</u>	<u>Comments</u>
		Y = Yes N= No N/A = Not applicable		
	<ul style="list-style-type: none"> - Risk Assessor - Incident investigator (Supervisor, Site Manager, 16.1 & 16.2) - Evacuation warden (Basic Firefighting) - Working at heights (Fall protection developer, Fall arrest and Rope Rescue Technician) - Legal Liability (Supervisor, Site Manager, 16.1 & 16.2) - OHS Act and Regulation (Supervisor, Site Manager, 16.1 & 16.2) - COIDA (Supervisor, Site Manager, 16.1 & 16.2) - HIRA (Supervisor, Site Manager, 16.1 & 16.2) 			
	TOTAL			Approved/ Not Approved

Score:


0 = Document not submitted OR submitted but does not satisfy the minimum requirements

1 = Document submitted and the content satisfy the minimum requirements


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Environmental:

	Kendal Power Station Environmental Evaluation Checklist	Unique Identifier	*1028947
		Document Type	Checklist
		Revision	01
		Authorisation Date	March 2019
		Review Date	March 2022
		Environmental Management	

1. Contractor Name:	
Site/Project Name:	
Scope of Work:	
Site Supervisor (Projects):	
Site Supervisor (Contractor):	
Date of Assessment:	


CONTRACTOR/SUPPLIER	
Name of the contractor	

PURPOSE								
To assess whether the above-mentioned suppliers have submitted the required environmental documentation prior to commencement of project activities								
REFERENCE DOCUMENTATION								
Waste Management Procedure: *1024102 Environmental non-conformities, corrective and preventive actions: *1015684 Emergency preparedness Plan *1015702 Non conformities, corrective na preventative actions * 1015684 Environmental competency, Training and awareness*1015689 SHEQ policy(32-727)								
NO	ITEM	Proof available	YES	NO	N/A	Max Points	Actual points	COMMENTS
1.	Environmental Policy in terms of ISO14001:2015					10		
3.	A detailed signed Contractor's Environmental Management Plan (EMP) pertaining to site specific activities					10		
5.	A detailed signed Site Environmental Representative Appointment Letter					5		
6.	Method statements for specific activities as per the scope of work					10		

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9.	Emergency Preparedness Plans (e.g. oil / chemical spill, disasters, etc.)					10		
10.	Register of all hazardous substances as per the scope of work					10		
11.	Safety Data Sheets as per the scope of work (SDS)					10		
12.	Certified copies of relevant permits and licences as required e.g. waste transporter, waste sites licences etc.					10		
13.	Waste Management Plan					15		
15.	Proof of training and skills of persons performing significant activities (e.g. oil spills, application of herbicides and asbestos AIA Approval) if applicable					10		

OBSERVATIONS

Recommendations of outstanding items:


Area	Contractor complies 80% and above	Contractor do not comply 60% and below
Total		

_____ Name of Environmental Management Representative	_____ Signature	_____ Date
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4.3 Quality requirements:

The Supplier shall comply to ISO 9001 Quality Management System and category 2 of Eskom Supplier Quality Management Specification QM 58 240-105658000.

For Tender Returnable:


Quality requirement: Category 2 of Eskom Supplier Quality Management Specification QM 58 240-105658000:


- The supplier shall complete and sign Form A (Enquiry/Contract/Quality Requirements for QM 58 and ISO 9001).
- The supplier shall submit objective evidence of a developed and implemented QMS that complies with ISO 9001 or any applicable standard of quality management system (the latest applicable revision). The following documents (approved copies) shall be submitted:
 - Quality Management System manual or a document that have defines and describes the QMS and its scope
 - Quality Policy
 - Quality Objectives
 - Control of documented information
 - Records required by ISO 9001 standard (List of Records)
 - Internal audit procedure
 - Control of non-conformity outputs
 - Nonconformity and Corrective action procedure
- The supplier shall submit the latest copy of an internal management system audit reports. The audit reports must include, if applicable, nonconformity identified, and the resulting remedial actions (correction and/ or corrective action reports).
- The supplier shall submit a draft contract quality plan that is specific to the scope of work as described in the tender documents. The plan must address the minimum requirements as per ISO 10005.
- The supplier shall submit an example of inspection and test plan (ITP) or quality control plan (QCP) on similar or previous work done. The plan must address the minimum requirements as per ISO 10005 (if applicable).
- The supplier shall submit documented information for Control of Externally Provided Processes, Products and Services.
- The supplier shall submit a copy of documented information for roles, responsibilities and authorities.

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	(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	4	
		Authorisation Date	April 2016			
		Review Date	April 2020			


SECTION A (TENDERER)	ENQUIRY/ CONTRACT No:				
	ENQUIRY/ CONTRACT DESCRIPTION	DHP Maintenance			
SECTION B (ESKOM)	CLAUSES OF QM 58 SPECIFICATION	CLAUSE DESCRIPTION		INDICATE WITH AN (X) AS APPLICABLE OR (-) IF NOT	
	CLAUSE 3	PRE-CONTRACT AWARD QUALITY REQUIREMENTS		X	
	CLAUSE 4	(*Select Only Applicable Category). NB: Not more than one category must be selected.		X	
		Category 1 (refer to clause 4.1 of QM 58)		-	
		Category 2 (refer to clause 4.2 of QM 58)		-X	
		Category 3 (refer to clause 4.3 of QM 58)			
		Category 4 (refer to clause 4.4 of QM 58)		-	
	CLAUSE 5	POST-CONTRACT AWARD			
		Contract Execution (refer to clause 5.1 of QM 58)		X	
		Quality Performance Monitoring (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	
		Preservation and Storage (refer to clause 6.3 of QM 58)		X	
		Quality Audits (refer to clause 6.4 of QM 58)		X	
Non-conformance (refer to clause 6.5 of QM 58)		X			
CLAUSES OF ISO 9001 STANDARD	CLAUSE DESCRIPTION		INDICATE WITH AN (X) AS APPLICABLE OR (-) IF NOT		
SECTION C (ESKOM)	CLAUSE 4	Quality Management System		X	
	CLAUSE 5	Management Responsibility		X	
	CLAUSE 6	Resource Management		X	
	CLAUSE 7	Product Realization		X	
	CLAUSE 8	Measurement, Analysis & Improvement		X	
SECTION D (TENDERER)	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.

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4.4 SD&L requirements:

Subcontracting: Contract requirement

Tenderers are encouraged to subcontract some of their services to EME and QSE companies that are at least 51% Black Owned. Propose the percentage subcontract in the table below:

Subcontracting	Tenderers Proposal (percentage of contract value)
Subcontracting 10% of the contract value from an EME or QSE which is at least 51% owned by black people in all categories.	

Scope that may be subcontracted but not limited to:

1. Transportation
2. Accommodation
3. Consumables (Photocopy machines and stationery)
4. Site establishment, rental of containers and ablution facilities.

Enterprise Development

The main contractor will be required to propose development in the following areas;

Support Description	Tenderer Proposal
Enterprise Development	

Job Opportunities


Tenderer to indicate number of Jobs to be created and/or retained from this contract;

Number of Jobs to be created	Number of Jobs to be retained

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Skills Development

Tenderers are required to propose against the following training initiatives;

Category	Intake	Exit	Eskom Target	Tenderer Proposal
Mechanical Artisans	N3/ Matric	Trade Test	4	
Total			4	

SDL&I Penalty

- 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 fulfilment of all SDL&I obligations at the end of the contract.
- Alternatively the Contractor shall submit a bond equivalent to 2.5% of the Contract Value and shall only be released to the Contractor upon fulfilment of all SDL&I Obligations.


Reporting and Monitoring

- The suppliers shall on a monthly/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 60 (sixty) 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.

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General Information on Validity of Sworn Affidavits

- 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.

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.

Failure to meet “Contractual Requirements “by the stipulated deadlines; may result in the tenderer being regarded as non-responsive and ineligible for contract award.

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.

CIDB Requirements (where applicable for Engineering and Construction Works Contracts)

CIDB Requirements: **not applicable**


1. It is estimated that tenderers must have a Construction Industry Development Board (cidb) contractor grading of or or higher

OR;
- 2.1 It is estimated that tenderers must have a cidb contractor grading ofor.....or higher,orpotentially emerging enterprises who satisfy criteria stated in the Tender Data may submit tenders.

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	<ul style="list-style-type: none"> • 2.2 contractors registered as potentially emerging enterprises with the cidb who are registered in one cidb contractor grading designation stipulated or lower than that required in 2.1 above and who satisfy the following criteria:- <ul style="list-style-type: none"> a) _____ b) _____ <p style="text-align: center;">OR;</p> <p>3. Joint ventures are eligible to submit tenders provided that :-</p> <ul style="list-style-type: none"> • 3.1 every member of the Joint venture (JV) is registered with the cidb; • 3.2 the lead partner has a contractor grading designation in the or.....*class of construction work; or not lower than one level below the required grading designation in the class of works construction works under consideration and possesses the required recognition status; • 3.3 the combined contractor grading designation calculated in accordance with the cidb regulations is equal to or higher than a contractor grading designation determined in accordance with the sum tendered for a or* class of construction work or a value determined in accordance with Regulations 25 (1B) or 25 (7A) of the cidb Regulations <p>Please note:</p> <p>That only those tenderers who are registered with the Construction Industry Development Board, or are capable of being so registered within twenty-one (21) working days from the closing date for submission of tenders in a contractor grading designation as stipulated in the tender data and determined in accordance with the best estimated value of the scope of works herein are eligible to submit tenders.</p> <p>Employer(Eskom) must within 21 working days from date when contractors offer to perform a construction works contract is accepted in writing ; register and publish the award of all contracts equal to or exceeding R10 M inclusive of VAT.]</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 a main 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


“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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1.3 TENDER RETURNABLES

The tenderer must submit the returnables set out hereunder as part of its tender. Returnables that are mandatory for evaluation will result in disqualification if not submitted at tender closing.


TENDER RETURNABLES

Commercial Non-Negotiable Tender Returnable-(To be submitted with the Tender, Tenderer will be disqualified if the following returnable is not submitted with the tender)				
ITEM	DESCRIPTION	Mandatory for Evaluation	Mandatory for points allocation	Mandatory for contract award
1.	Valid and Certified copy of a B-BBEE Certificate issued by a SANAS Accredited Verification Agent, or		√	√
2.	Valid and Certified Copy of a Fully Completed B-BBEE Sworn Affidavit for EME's or QSE's , or		√	√
3.	Valid Copy of a B-BBEE Certificate issued by CIPC for EME's		√	√
4.	(F1) – SBD 6.2 Declaration form		√	√
5.	(F2) – annexure C (Local Content Declaration- Summary Schedule		√	√
6.	NEC Price list in full	√	√	√
Commercial Negotiable Tender Returnable -To be submitted with the Tender				
7.	Completed price schedules(Note: All suppliers are not, under any circumstances, to deviate from the required stipulated format for the provision of pricing)	√	√	√
8.	Initial each and every page of Eskom Holdings SOC Limited standard condition of tender			√
9.	List of Director/s -CK2 or CM 29			√
10.	Completed Standard Bidding Document 1.			√
11.	Completed Supplier Declaration of Interest			√
12.	Completed Authority to submit offer/tender(Confirms the authority of the Supplier's representative to			√

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	act as an authorized agent on behalf of the Supplier)			
13.	Completed Declaration of Fair Bidding Practices			√
14.	Completed Supplier Confidential and Non-Disclosure Agreement (NDA)			√
SHEQ Tender Returnable, To be submitted with the Tender)				
15.	Annexure B Is the acknowledgement of Eskom's SHE rules and requirements form (Annexure B) signed and submitted by the tenderer?	√	√	√
16.	Safety, Health and Environmental Plan for Scope of work not limited to the following: <ul style="list-style-type: none"> • SHE organization within the Company-Responsibility & Accountability • SHE Incident management • Planning of conduct of work activities including planning for changes and emergency work • Waste management • PPE- Personal Protective Equipment • Emergency planning and fire risk management • Vehicle and driver behaviour safety • Contractor or supplier selection and management • Design and specifications • Competency, training, appointments • Communication and awareness • Management commitment and visible felt leadership 	√	√	√
17.	Baseline SHE Risk Assessment (BRA)	√	√	√

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	Identification, assessment and management of Safety, Health and Environmental risks related to the scope of work. The methodology used for the risk assessment must be provided together with the BRA			
18.	Valid Letter of Good Standing (COIDA or equivalent)			√
19.	SHE policy signed by CEO/ MD- Comply to OHS Act Section 7 or OSHAS 18001			√
20.	Environment: <ul style="list-style-type: none"> ➤ The environmental management system manual that meets the requirements of the international standard ISO 14001:2015. ➤ Environmental policy as per the ISO14001:2015 requirement. ➤ A detailed signed Contractor's Environmental Management Plan (EMP) pertaining to site specific activities ➤ Emergency preparedness plan/procedure which includes environmental scenarios (e.g. oil / chemical spill, disasters, etc.) . ➤ Waste management procedure/plan. ➤ Proof of training and skills of persons performing significant activities. ➤ A detailed signed Site Environmental Representative Appointment Letter 	N/A		
21.	Quality Pre-contract award returnables: Quality requirement: Category 2 of Eskom Supplier Quality Management Specification QM 58 240-105658000:			√

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	<ul style="list-style-type: none"> • The supplier shall complete and sign Form A (Enquiry/Contract/Quality Requirements for QM 58 and ISO 9001). • The supplier shall submit objective evidence of a developed and implemented QMS that complies with ISO 9001 or any applicable standard of quality management system (the latest applicable revision). The following documents (approved copies) shall be submitted: <ul style="list-style-type: none"> • Quality Management System manual or a document that have defines and describes the QMS and its scope • Quality Policy • Quality Objectives • Control of documented information • Records required by ISO 9001 standard (List of Records) • Internal audit procedure • Control of non-conformity outputs • Nonconformity and Corrective action procedure • The supplier shall submit the latest copy of an internal management system audit reports. The audit reports must include, if applicable, nonconformity identified, and the resulting remedial actions (correction and/ or corrective action reports). 			
--	---	--	--	--

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	<ul style="list-style-type: none"> • The supplier shall submit a draft contract quality plan that is specific to the scope of work as described in the tender documents. The plan must address the minimum requirements as per ISO 10005. • The supplier shall submit an example of inspection and test plan (ITP) or quality control plan (QCP) on similar or previous work done. The plan must address the minimum requirements as per ISO 10005 (if applicable). • The supplier shall submit documented information for Control of Externally Provided Processes, Products and Services. • The supplier shall submit a copy of documented information for roles, responsibilities and authorities 			
--	--	--	--	--

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/Reference	Returnables from supplier	Returnables mandatory for evaluation purposes and due at tender closing	Returnables mandatory for contract award and due prior to contract award closing
Basic Compliance	One (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 	“Proof of B-BBEE status level of contributor” for main contractor	✓	
	CSD number	✓	✓
	Signed Sub-contracting intent agreement	✓	✓
Please Note that : “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;	“Proof of B- BBEE status level of contributor” for sub-contractor belonging to designated group	✓	✓
If “proof of B-BBEE status level of contributor” is required for pre-qualification purposes in terms of PPPFA regulations, and is either not submitted by tender submission deadline or deemed invalid; , the respective tenderer must be disqualified	Any other supporting documents to verify the status of the main contractor or sub-contractor(as may be stipulated in 3.11)	✓	✓

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Annexure A	Acknowledgement Form	✓	
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 G (applicable for all suppliers including Foreign suppliers)	SBD 1- to be submitted with the tender at tender submission deadline	✓	
Annexure H	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	✓	
Supplier Development & Localisation (SD&L) Undertaking (if applicable)			✓
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)		✓
	“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; (as may be applicable for the particular tendering entity)	✓	

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	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.		✓
*“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;	Failure on the part of the supplier to submit “proof of B-BBEE status level of contributor” for purposes of evaluation and scoring by the tender closing will not result in disqualification (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects and it is not a pre-qualification criterion). The tenderer will, however, be scored zero on B-BBEE for purposes of PPPFA scoring and ranking.	✓	
Tax Clearance Certificates	A certified copy of a tax clearance certificate is still required by Foreign suppliers (with a footprint in South Africa- but who are not on CSD and have not provided a SARS pin number) and Local suppliers (who 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 still complete the SBD1 document, however no proof of tax compliance is required.		✓
Tax Evaluation Questionnaire (if services contract and was included as annexure)	Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE]		✓
Compliance with Employment Equity Act	To the extent that the tenderer falls within the definition of a “designated Employer” as contemplated in the Employment Equity Act 55 of 1998, the tenderer is required to furnish the Employer with proof of compliance with the Employment Equity Act, including proof of submission of the Employment Equity report to the Department of Labour. (South African tenderers only)		✓

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CIDB (where applicable)	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	✓	
Shareholding	Shareholding organogram and detailed 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)	✓	
NEC3 TSC Documentation	Completed NEC/FIDIC pricing schedule and contract data.	✓	✓
Additional documents required (ECSA/ SACPCMP/CVs/ permits/licenses/ specific registration documents (if applicable to scope of work))			
DOCUMENTS REQUIRED UNDER CONTRACT REQUIREMENTS			
Safety	COIDA - Original certificate of good standing or proof of application issued by the Compensation Fund (COID) or a licensed compensation insurer (South African tenderers only)		✓
Quality	Documents that may be required per scope of work		✓
Other safety/quality documents as required per scope of works			✓
Environmental	Documents that may be required as per scope of work		✓
Due Diligence	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		✓

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	statements, but if successful with their tender will be required to send statements for the first year when once available.		
DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHINICAL CRITERIA			
Technical (required for functionality scoring)	1 tender returnables as per technical evaluation criteria	✓	✓

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ANNEXURE A

ACKNOWLEDGEMENT FORM

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

1. _____
 2. _____ -
 3. _____
-

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

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

Or: Incorrect or incomplete for the following reasons:

Cataloguing Acknowledgement: Not applicable

[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 We do not intend to provide the cataloguing information for the required scope / specifications. for the reasons stated hereunder:

3. 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.

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Invitation to Tender No: _____

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	


Please complete the following:

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), respective contractor grading designation for each individual company/JV member , and combined cidb contractor grading designation (for JVs)	
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)	

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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	
VAT registration number	
CIDB Registration number (if applicable) and CIDB grade specified for the sub-contractor as may be stipulated in the Tender Data	
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
5. Alternatively, you may contact Power station SD&L representative

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6. If you are registered on SARS Efiling system, please provide your pin number in order to verify your tax compliant status _____
7. 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 Efiling 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	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

8. If sub-contracting is prescribed in the specific enquiry, you need to compete 8.1- 8.7

- 8.1 Confirm if you intend sub-contracting

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

- 8.2 What percentage will you be sub-contracting? _____%
- 8.3 To whom do you intend sub-contracting? _____
- 8.4 Is the said sub-contractor registered on CSD?

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

- 8.5 If yes to 8.4, please provide CSD number. _____
- 8.4 Please confirm B-BBEE level of said sub-contractor _____

- 8.5 Which designated group does the sub-contractor belong to:-
 - 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
 - Cooperatives which are 51% owned by Black people
 - Black people who are military veterans


If Eskom decides to apply the sub-contracting provision as specified in Regulation 4(c) all tenders above the prescribed maximum threshold for quotations must be advertised through an open competitive bidding process subject to potential tenderers meeting the 30% minimum subcontracting requirement to EMEs or QSEs that are 51% owned by the following enterprises:

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

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

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

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

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: _____

Date: _____

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.

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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 returnable or as part of contract modification documentation)

1. 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 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.

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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** 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.

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

Item	Question	Yes/No	No
1.1	<p>Is the <i>tenderer/s(or any of its directors/members/shareholders)</i> listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector</p> <p>[Note: Companies/persons who are listed on the Database were informed in writing of this restriction by the Authority/Accounting Officer of the institution that imposed the restriction after the audi alteram partem rule was applied].</p> <p>The Database of Restricted Suppliers can be accessed on the National Treasury's website (www.treasury.gov.za).</p>		
1.2	<p>Is the <i>tenderer/s (or any of its directors / members / shareholders)</i>? 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)</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za).</p>		
1.3	<p>Was the <i>tenderer/s (or any of its directors/members/shareholders)</i> 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?</p>		
1.3.1	Provide details.		

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1.4	Was the tenderer/s (or any of its directors/members/shareholders) prohibited from doing business with any International Financial Development/funding Agency or Lending Institution		
1.5	Is there any history/record of the tenderer/s (or any of its directors/members/shareholders) failing to meet their contractual obligation with any SOC?		

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:	

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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 _____ (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

1. APPLICATION OF CPA

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 PREFERRED INDEX LIST

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

4. FOREIGN PORTION OF THE TENDER/AGREEMENT PRICE

In instances where the preferred 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 limited 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.

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:

The mean

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- 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: Preferred 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, P0142.1 Table 2, basic iron and steel	Mechanical engineering material SEIFSA, G, mechanical engineering material	SEIFSA, L2, road freight costs	StasSA, PO141 CPI (Headline) all items OR SEIFSA, D-2 (CPI)
	Copper SEIFSA, F, copper metric ton	Electrical engineering material SEIFSA, G-1, 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), PPI <ul style="list-style-type: none"> • Final Manufactured Goods <p style="text-align: center;">Or</p> <ul style="list-style-type: none"> • Intermediate Manufactured Goods OR • SEIFSA Table U Producer Price Index (PPI - final manufactured GOODS OR Intermediate Manufactured Goods
	Zinc SEIFSA, F, zinc			
Lead SEIFSA ,F, lead				

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Table 2: Preferred Foreign Index List

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


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 1A:

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

**Please note that the contracting party must be the direct importer of the goods
Applicable (Y / N)**

Payment Method 1B;

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).

Please note:

- The contracting party must be the direct importer
- For payment purposes, Eskom will require both the foreign (commercial) invoice and the local tax invoice
- The foreign currency values on both the commercial and local invoice must be the same. Eskom will not pay any profit in foreign currency.
- 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.

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Any exchange rate adjustment after Eskom has notified the supplier of the date and the rate which the forward cover is cancelled, will be for the account of the supplier.

Please note:

- The contracting party has to be the direct importer of the goods.
- This payment option is not applicable for the payment of services

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.

[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.]

Fixed ZAR pricing

The tenderer may elect to be responsible for the hedging of the exposure of the imported content. However, Eskom reserves the right to have line of sight of the exchange rates to be quoted by the tenderer. This entails a simultaneous exercise of the verification of the exchange rates to be used.

Applicable (Y/N).....

Please note: Eskom will require substantiating proof of importation at the time of invoicing, if payment methods 1A,1B and 2 are 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.

PART 2: EXCHANGE RATES

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

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


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.

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	RATES/TARIFFS
Sea/Air Freight	
Bunker Adjustment Factor	
Currency Adjustment Factor	
Marine Risk Insurance (MRI) (Eskom will provide cover)	
Rate for Extension of MRI after Arrival of Goods at Site (if required)	
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.

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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.

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)

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

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

- 1.6. 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		NO	
-----	--	----	--

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

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

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

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	


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

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

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

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

IN RESPECT OF BID NO.

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

.....
NB

- 1 The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.
- 2 Guidance on the Calculation of Local Content 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:
 - (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
------------------------------	---

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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)

Annexure F3 - Imports Declaration-Supporting schedule to Annex C(annex D)


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



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ANNEXURE G

SBD 1

**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)

BID NUMBER:		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			


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.

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- 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)? YES NO
- 3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA? YES NO
- 3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? YES NO
- 3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? YES 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 H

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
- 1.2
 - a) The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the preference point system shall be applicable; or
 - b) Either the 80/20 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).
- 1.3 Points for this bid shall be awarded for:
 - (a) Price; and
 - (b) B-BBEE Status Level of Contributor.
- 1.4 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

- 1.5 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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- 1.6 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;

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3. POINTS AWARDED FOR PRICE

3.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

80/20

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

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 (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0


5. BID DECLARATION

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

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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 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.

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		

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Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name _____ of
company/firm:.....

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:.....

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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 –
 - (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>

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