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		<b>Document Identifier</b>	240-114238630	<b>Rev</b>	10
		<b>Effective Date</b>	03 March 2020		
		<b>Review Date</b>	March 2023		

**ESKOM HOLDINGS SOC LTD**

**INVITATION TO TENDER**

**FOR**


**THE MECHANICAL REFURBISHMENT OF ACID AND CAUSTIC BAY AT  
KENDAL POWER STATION**

<b>Tender number</b>	<b>MPGXC005958R1</b>
<b>Issue date</b>	<b>23 April 2021</b>
<b>Closing date and time</b>	<b>26 May 2021 at 10h00 am</b>
<b>Tender validity period</b>	<b>3 months from the closing date and time</b>
<b>Clarification meeting</b>	<b>5 May 2021 at 10h00 am, Horticulture Boardroom, Kendal Power Station</b>
<b>Tenders are to be delivered to the following address on the stipulated closing date and time:</b>	<b>Eskom Tender Box, Ground Floor No.10 Smuts Avenue WITBANK/EMALAHLENI Mpumalanga</b>

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		<b>Review Date</b>	March 2023			

Date  
23 April 2021

Ref  
MPGXC005958R1

Enquiries  
Shilo Motuku  
☎+27 13 647 9188

## Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a tender for the mechanical refurbishment of acid and caustic bay at Kendal Power Station.

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

- Free of charge

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

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

Yours faithfully




Thamsanqa Mnguni  
Procurement Manager  
Kendal Power Station  
Date: 23 April 2021

Group Commercial  
Procurement Department  
Kendal Power Station (Near Ogies, Junction 507 N12 East  
Balmoral/Kendal Off-ramp)  
Private Bag X7272 Witbank 1035 SA  
Tel +27 13 647 6816 Fax +27 13 647 9190 [www.eskom.co.za](http://www.eskom.co.za)  
**Eskom Holdings SOC Ltd Reg No 2002/015527/30**

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The following documents listed hereunder are attached to this enquiry

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 <a href="http://www.eskom.co.za">www.eskom.co.za</a> 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	Y
6.5	SBD 6.2- Declaration Certificate for Local Production and Local Content (only applicable if designated materials are included).  Annexure C-Local Content Declaration-Summary Schedule  Annexure D-Imported Content Declaration – Supporting Schedule to Annexure C  Annexure E-Local Content Declaration-Supporting Schedule to Annexure C	Annexure F1  Annexure F2  Annexure F3  Annexure F4	Y
6.6	SBD 1 -Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure G	Y
6.7	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	Annexure H	Y
6.8	Supplier Development & Localisation (SDL&I) Undertaking (if applicable )	To be obtained from SDL&I)	Y

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1.2 The Tender Data makes several references to the **Eskom Standard Conditions of Tender** 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/Request for Proposal**; then the tenderers are required to download this from [www.eskom.co.za](http://www.eskom.co.za). The **“Tender Data”** as detailed herein shall take precedence over the **Standard Conditions of Tender** in the event of any ambiguity or inconsistency between the two documents.

Clause Number from Standard Conditions of Tender	Tender Data
1.1 Parties	<p>The <i>Employer</i> is <b>Eskom Holdings SOC Ltd</b></p> <p>The Eskom <i>Representative</i> is:  Name: Shilo Motuku  Tel: 013 647 9188  E-mail: <a href="mailto:shilo.motuku@eskom.co.za">shilo.motuku@eskom.co.za</a></p>
1.3 Enquiry documents	<p>The Invitation to tender number is : <b>MPGX005958R1</b></p> <p>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> <ol style="list-style-type: none"> <li>1. An open Invitation to tender</li> </ol>
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 <b>ineligible</b> to submit a <b>tender</b> if</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Tenderers submit more than one tender either individually or as a partner in a joint venture (JV) or consortium</li> <li>• Tenders submitted by a JV or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally</li> </ul>

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	<p>liable for the execution of the Contract in accordance with the Contract terms.</p> <ul style="list-style-type: none"> <li>• A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. A Tenderer may be considered to have a conflict of interest with one or more parties in this tendering process, if: <ul style="list-style-type: none"> <li>○ (a) they have a controlling partner/majority shareholder in common; or</li> <li>○ (b) they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender of another Tenderer, or influence the decisions of the Employer regarding this bidding process;</li> </ul> </li> <li>• Tenders signed by non- authorized persons</li> <li>• Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers)</li> <li>• 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</li> <li>• Any tenderer that is restricted by National Treasury</li> <li>• A tenderer that sub-contracts 100% Scope of Work.</li> </ul> <p><b>Ineligible tenderers will be disqualified.</b></p>
2.2 -2.5 Tender Closing	<p>The deadline for <b>Tender</b> submission is:  Date: <b>26 May 2021</b>  Time: <b>10h00 am</b></p> <ul style="list-style-type: none"> <li>• <b>Late Tenders will not be accepted.</b></li> <li>• <b>Faxed and e-mailed tenders will not be considered for evaluation</b></li> </ul> <p><b>Late Tenders will not be accepted</b></p> <p>Tenders are to be submitted to the Eskom <i>tender box</i> at the following physical address:</p> <p><b>THE TENDER OFFICE  ESKOM TENDER BOX, GROUND FLOOR  NO.10 SMUTS AVENUE  WITBANK/EMALAHLENI  MPUMALANGA</b></p> <p><b>The envelope/file/package should be marked as follow:  Shilo Motuku  Kendal Power Station  Enquiry No. MPGXC005958R1</b></p>

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2.9 Copy of original tender	<p>The tenderer must submit the tender as a complete original tender, plus one (1) <b>hard copy</b> 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> <p>Where a Tenderer does not submit 1 hard copy of the original tender at tender submission deadline, the tenderer will be disqualified.</p>
2.13 Tender Validity Period	The tender validity period is <b>3</b> months.
2.16 Site/clarification meetings	<p>A <b>clarification meeting/site visit</b> with representatives of the <i>Employer</i> will take place as follows:  Date: 5 May 2021  Time: 10h00 am  Venue: Horticulture Boardroom - Kendal Power Station</p> <p><i>Tenderers</i> must confirm their intention to attend with the Eskom <i>Representative</i> stating the name, position and contact details of each proposed attendee (maximum 2).</p> <p>Please note that attendance of the site clarification meeting is compulsory, tenderers have to attend this briefing in order to fully understand the scope of work. Suppliers who do not attend the compulsory meeting will be disqualified and will not be evaluated further.</p> <p>Please re-visit the websites regularly to confirm if there are any changes made in the Enquiry Documents.</p> <p>The Enquiry Number MPGXC005958R1 documents (Invitation to Tender, NEC3 document, SHEQ and SDL &amp; I tender returnable documents) will be discussed and clarified, please print and bring along these documents to the Site Clarification meeting.</p> <p><b>Please note that if the tender stipulates that a site/clarification meeting is mandatory/compulsory; then suppliers must attend such meeting. Those suppliers who do not attend such mandatory/compulsory meeting will be disqualified and will not be evaluated.</b></p>
2.17 Clarification on enquiry documents	The tenderer will notify the <i>Employer</i> of any clarifications required before the closing time for clarification queries, which is <b>5</b> working days before the deadline for tender submission.
2.23 Alternative tenders	<p>Alternative tenders are <b>not allowed</b>.</p> <p>If Alternative tender(s) are allowed, it may be based only on the following criteria and subject to acceptance by the <i>Employer</i>:</p> <ul style="list-style-type: none"> <li>• A different completion date.</li> <li>• A different payment method.</li> </ul>

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	<ul style="list-style-type: none"> <li>Different technical methods and specifications</li> </ul> <p>A different main option and other combinations of secondary option clauses, acceptable to Eskom as the Employer, selected from the NEC Engineering and Construction Contract</p>						
2.25 Conditions of contract	The conditions of contract will be the <b>NEC3 ECC3</b>						
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.						
3.4 Opening of tenders	Tenders will be opened at the same date and time as the tender deadline.						
3.5 Prices to be read out	Prices will <b>not be read out</b> .						
3.9 Basic Compliance	<p>Basic compliance for this invitation to tender are:</p> <ul style="list-style-type: none"> <li>Meet the eligibility criteria for a tenderer</li> <li>Submit one (1) hard copy of the original tender to Eskom</li> <li>Submit a complete original tender with commercial, financial and technical information</li> <li>Submission of the mandatory commercial tender returnables as at stipulated deadlines.</li> <li>Central Supplier Database (CSD) number (MAA.....)</li> </ul>						
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	Pre-qualification criteria <b>are not applicable</b> .						
3.12 Designated materials and thresholds	<p>Designated material thresholds <b>is applicable</b></p> <p>If applicable stipulate which materials are identified as designated materials and what thresholds the tenderers must meet in order to be evaluated further.</p> <table border="1" data-bbox="624 1585 1342 1691"> <thead> <tr> <th>Material</th> <th>Threshold %</th> </tr> </thead> <tbody> <tr> <td>Steel</td> <td>100%</td> </tr> <tr> <td>Valves</td> <td>70%</td> </tr> </tbody> </table> <p>Tenderers need to complete and submit Annexure F1-F4 hereto as evidence of compliance with this requirement.</p> <p>The dti has appointed SABS as the official verification agency for local content in terms of designated products.</p>	Material	Threshold %	Steel	100%	Valves	70%
Material	Threshold %						
Steel	100%						
Valves	70%						

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	<b>A tender that fails to meet the minimum stipulated threshold for local production and content will be disqualified.</b>						
3.13 Functionality requirements	<p>Functionality requirements are applicable</p> <p>The following criteria will be applicable for this transaction under functionality criteria:</p> <table border="1"> <thead> <tr> <th>Criteria</th> <th>Weight</th> </tr> </thead> <tbody> <tr> <td> <b>1. Organogram</b>            The organogram accompanied by all related CV's and must contain the names, surnames, ID numbers, designation, roles and responsibilities, contact information, proof of qualifications and experience of each individual working on the project.            Critical resources that must be included in the organogram are: site manager, SHEQ resources, rubber lining artisan/ technician, welders, pipe fitters, etc.           <ul style="list-style-type: none"> <li>• Complete organogram with all critical resources and all respective supporting documents = <b>15 %</b></li> <li>• Fairly completed organogram with 75% of the required critical resources together with respective supporting documents = <b>12%</b></li> <li>• Partially completed organogram with half of the required critical resources together with respective supporting documents = <b>7.5%</b></li> <li>• Poorly completed organogram with far less the required critical resources together with respective supporting documents = <b>5%</b></li> <li>• No organogram = <b>0%</b></li> </ul> </td> <td style="text-align: center; vertical-align: top;"><b>15%</b></td> </tr> <tr> <td> <b>2. Related Work Experience</b>            The company provides proof of &gt;=3 completed projects of a similar scope. i.e. rubberising and piping construction work completed within the last 5 years. Supply a Supporting document file for work previous work done that includes:            Contract details, Execution program, QCP's, Handover certificates, Proof of skills retention.           <ul style="list-style-type: none"> <li>• &gt;=Three completed projects with all the required supporting documents = <b>15%</b></li> <li>• Two completed projects with all the required supporting documents = <b>12%</b></li> <li>• One completed projects with all the required supporting documents = <b>5%</b></li> <li>• No completed projects = <b>0%</b></li> </ul> </td> <td style="text-align: center; vertical-align: top;"><b>15%</b></td> </tr> </tbody> </table>	Criteria	Weight	<b>1. Organogram</b> The organogram accompanied by all related CV's and must contain the names, surnames, ID numbers, designation, roles and responsibilities, contact information, proof of qualifications and experience of each individual working on the project. Critical resources that must be included in the organogram are: site manager, SHEQ resources, rubber lining artisan/ technician, welders, pipe fitters, etc. <ul style="list-style-type: none"> <li>• Complete organogram with all critical resources and all respective supporting documents = <b>15 %</b></li> <li>• Fairly completed organogram with 75% of the required critical resources together with respective supporting documents = <b>12%</b></li> <li>• Partially completed organogram with half of the required critical resources together with respective supporting documents = <b>7.5%</b></li> <li>• Poorly completed organogram with far less the required critical resources together with respective supporting documents = <b>5%</b></li> <li>• No organogram = <b>0%</b></li> </ul>	<b>15%</b>	<b>2. Related Work Experience</b> The company provides proof of >=3 completed projects of a similar scope. i.e. rubberising and piping construction work completed within the last 5 years. Supply a Supporting document file for work previous work done that includes: Contract details, Execution program, QCP's, Handover certificates, Proof of skills retention. <ul style="list-style-type: none"> <li>• &gt;=Three completed projects with all the required supporting documents = <b>15%</b></li> <li>• Two completed projects with all the required supporting documents = <b>12%</b></li> <li>• One completed projects with all the required supporting documents = <b>5%</b></li> <li>• No completed projects = <b>0%</b></li> </ul>	<b>15%</b>
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	<p><b>3. Quality Control Plan for rubber lining</b> Provide proof of the company's ISO9001 certification / accreditation / compliance with the rubber lining industry. Submit a complete method statement and related QCP for the acceptance, approval and application of all products prescribed in the Scope of Works i.e. internal (rubber lining) and external coating (contractor's responsibility)</p> <ul style="list-style-type: none"> <li>• Submittal of proof of company's ISO9001 certification with the rubber lining industry, method statement, QCP and proposal for external coating and internal lining's primer or bonding agent = <b>15%</b></li> <li>• Submittal of proof of company's ISO9001 accreditation with rubber lining industry and all the required documents with fairly acceptable method statement, QCP proposal for external coating and internal lining's primer or bonding agent = <b>12%</b></li> <li>• Submittal of proof of company's ISO9001 compliance with rubber lining industry and all the required documents with fairly acceptable method statement and QCP = <b>7.5%</b></li> <li>• Submittal of all the required documents without external coating and internal lining primer or bonding agent proposal = <b>0%</b></li> </ul>	<b>15%</b>
	<p><b>4. Quality Control Plan for pipe work</b> Proof of company's ISO9001 certification / accreditation / compliance for construction work. Submit a complete method statement and related QCP for the acceptance and approval of the construction work (fabrication, mechanical pipe fitting and installation)</p> <ul style="list-style-type: none"> <li>• Submittal of proof of company's ISO9001 certification with acceptable method statement and QCP = <b>15%</b></li> <li>• Submittal of proof of company's ISO9001 accreditation with fairly acceptable method statement and QCP = <b>12%</b></li> <li>• Submittal of proof of company's ISO9001 compliance with fairly acceptable method statement and QCP = <b>7.5%</b></li> <li>• No QCP and method statement = <b>0%</b></li> </ul>	<b>15%</b>
	<p><b>5. Guarantee</b> The company or contractor must provide guarantee certificate for the applied lining system. The applied lining system shall be guaranteed jointly by the lining manufacture and applicator.</p>	<b>15%</b>

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	<p>Minimum required lining guarantee is 10 years as recommended by Eskom processes. Primer or bonding agent for both external and internal coating to be used must be described in detail.</p> <ul style="list-style-type: none"> <li>• Submittal of 10 year guarantee certificates and acceptable primer or bonding agent for both external and internal coating = <b>15%</b></li> <li>• No guarantee certificate and less than 10 years guarantee = <b>0%</b></li> </ul>	
	<p><b>6. Lining material certificate and data sheets</b> Provide detailed data sheet for internal and external coating together with material certificates. Data sheets to describe all necessary information covering; generic type, physical, chemical, service temperatures, chemical resistance limits, etc.:</p> <ul style="list-style-type: none"> <li>• Submittal of all data sheets and material certificates with all the required information = <b>10%</b></li> <li>• Submittal of material and data sheets with minimal information = <b>7.5%</b></li> <li>• Submittal of data sheets without and material certificates or material certificates without data sheets = <b>3%</b></li> <li>• No data sheets and material certificates = <b>0%</b></li> </ul>	<b>10%</b>
	<p><b>7. Detailed Program</b> Execution program from start to finish indicating all the activities involved, relationships, duration, start and completion dates for the complete SOW.:</p> <ul style="list-style-type: none"> <li>• Submittal of execution program with all the required information = <b>15%</b></li> <li>• Submittal of execution program with 80% of the required information = <b>12%</b></li> <li>• Submittal of execution program with &gt;=50% of the required information = <b>7.5%</b></li> <li>• Submittal of execution program with &lt;50% of the required information = <b>0%</b></li> </ul>	<b>15%</b>
	<p>Threshold</p>	<b>75%</b>
	<p>Tenderers who do not meet the threshold for functionality scoring will be disqualified and not be evaluated further</p>	
3.15 Evaluation of price	<p>Prices will be evaluated as follows:</p> <ul style="list-style-type: none"> <li>• Inclusive of VAT</li> <li>• Making the specified correction for arithmetical errors</li> <li>• Excluding contingencies in any bill of quantities or activity schedule.</li> </ul>	

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	<ul style="list-style-type: none"> <li>• Making an appropriate adjustment for any other acceptable variations, deviations, or alternative tenders submitted.</li> <li>• Making a comparison of the Net Present Value of each adjusted tender based on the tendered programme (if provided) and prices, on the estimated effect of Price Adjustment Factors and rate of exchange fluctuations (if applicable) and on other evaluation parameters relating to uncertainty and risk, where applicable.</li> <li>• Unconditional discounts must be taken into account for evaluation purposes;</li> <li>• Conditional discounts must not be taken into account for evaluation purposes but should be implemented when payment is effected.</li> </ul> <p>Prices will be scored out of 80 or 90 points</p>
3.17 Evaluation of B-BBEE	<p>B-BBEE status will be scored out of 10 or 20 points in accordance with PPPFA.</p> <p>If a tenderer fails to submit proof of B-BBEE status level, the tenderer will not be disqualified (except if B-BBEE level is a pre-qualification criterion). The tenderer will, however, be awarded 80/90 points for price and will score 0 points for B-BBEE level /status (out of 10/20)</p>
3.18 Ranking of tenders	<p>Suppliers will be ranked by applying the preferential point scoring based on the relevant system as stipulated hereunder:-</p> <p>Either 80/20 or 90/10 will apply should there be a degree of uncertainty on which PPPFA Point allocation system will apply; the lowest acceptable tender will be used to determine the applicable preference system</p> <p>Eskom will then add the score from Pricing and the B-BBEE level together and rank the suppliers from the highest to the lowest.</p>
3.19 Objective Criteria (if applicable)	<p>Objective criteria <b>are applicable</b></p> <p>The following objective criteria apply:-</p> <ul style="list-style-type: none"> <li>• SHEQ</li> </ul> <p><b>Please note:-</b></p> <ul style="list-style-type: none"> <li>• <b>“Eskom reserves the right to award the tender to a supplier who may not be the highest scoring/highest ranked tenderer, in line with Section (2) (1) (f) of the PPPFA; subject to the right to negotiate on the objective criteria with the three highest ranked tenderers respectively before award is made.</b></li> <li>• <b>Tenderers will not be disqualified if they do not comply with the objective criteria</b></li> </ul>

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	<ul style="list-style-type: none"> <li>• <b>Functionality and any element of the B-BBEE scorecard may not be used as objective criteria.</b></li> </ul>
Contractual Requirements (if applicable )	Contractual Requirements may include the following: <ul style="list-style-type: none"> <li>• SHEQ requirements; and/or</li> <li>• Financial statements; and/or</li> <li>• Outcome of Due Diligence</li> <li>• SDL &amp; I Undertaking</li> </ul> <p><b>Please Note:</b>  <b>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.</b>  <b>Failure to meet “Contractual Requirements “by the stipulated deadlines; may result in the tenderer being regarded as non-responsive and ineligible for contract award.</b>  <b>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.</b></p>
CIDB Requirements (where applicable for Engineering and Construction Works Contracts)	CIDB Requirements <b>are applicable</b> <ol style="list-style-type: none"> <li>1. It is estimated that tenderers must have a Construction Industry Development Board (cidb) contractor grading of <b>6ME</b> or higher.</li> </ol> <p><b>Please note:</b>  <b>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.</b></p> <p><b>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.</b></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](http://www.csd.gov.za)**


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

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

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### 1.3 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.

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
<b>Basic Compliance</b>	One (1) hard copy of the tender	✓	
<b>Pre-qualification criteria :</b>		N/A	N/A
<b>Annexure A</b>	Acknowledgement Form		✓
<b>Annexure B</b>	Tenderers Particulars		✓
<b>Annexure C</b>	Integrity Pact Declaration form		✓
<b>Annexure D</b>	CPA for local goods/services (if applicable)		✓
<b>Annexure F1-F4</b>	SBD 6.2 -Declaration certificate for local production and content and Annexures C, D, E( <b>only applicable where designated materials are included</b> )	✓	
<b>Annexure G</b> (applicable for all suppliers including Foreign suppliers)	SBD 1- to be submitted with the tender at tender submission deadline	✓	
<b>Annexure H</b>	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations		✓
Supplier Development & Localisation (SD&L) Undertaking			✓
<b>Additional Documents required in event of JV:-</b>	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.		✓

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	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)		✓
	<b>“proof of B-BBEE status level of contributor”</b> 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 )		✓
	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.		✓
<b>*“proof of B-BBEE status level of contributor”</b> 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 <b>“proof of B-BBEE status level of contributor”</b> 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.		✓
<b>Tax Clearance Certificates</b>	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) .		✓

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	<p>Foreign suppliers (even those with no deemed footprint in South Africa) must still complete the relevant section in Part A of the SBD1 document, however, no proof of tax compliance is required if the supplier answers “no” to all questions. If they answer “yes” to any of the questions, however, they are required to register and be tax compliant as per Part B- section 2 of the SBD 1 document and relevant legislation governing tax compliance.</p> <p><b>Suppliers are requested to submit Tax Compliant Letter.</b></p>		
<b>Compliance with Employment Equity Act</b>	<p>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)</p>		✓
<b>CIDB - 6ME or higher</b>	<p>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  <b>or</b>  within 21 working days from the closing date of submission of tenders only if the proof of registration is submitted at tender closing deadline.</p>	✓	
<b>Shareholding</b>	<p>Shareholding organogram and detailed breakdown (for each individual company/JV member) clearly identifying percentages owned by individual shareholders (full names &amp; ID Numbers) and other entities (provide full legal/trading name and respective identifying registration/trust numbers)</p>		✓
<b>NEC/FIDIC Documentation</b>	<ul style="list-style-type: none"> <li>• Completed NEC Pricing assumptions</li> <li>• Form of Offer &amp; Acceptance</li> <li>• Data provided by the Contractor</li> <li>• CPA -Escalation Page</li> </ul>	✓	✓ ✓ ✓
<b>Additional documents required</b>	<ul style="list-style-type: none"> <li>• Non-Disclosure Agreement</li> <li>• CSD Report or Number</li> </ul>		✓ ✓

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DOCUMENTS REQUIRED UNDER CONTRACT REQUIREMENTS			
<b>Safety</b>	COIDA - Original certificate of good standing or proof of application issued by the Compensation Fund (COID) or a licensed compensation insurer (South African tenderers only)		✓
<b>Other safety documents as required per scope of works</b>	<ul style="list-style-type: none"> <li>• Acknowledgement of Eskom's SHE rules and requirements form (Annexure B)</li> <li>• SHE policy that current and signed</li> <li>• SHE Plan as per Project SHE Spec</li> <li>• Costing for Safety Health and environmental management</li> <li>• Baseline Risk Assessment</li> <li>• Valid Letter of Good Standing (COIDA or Equivalent)</li> <li>• SHE Competency required relevant to scope of work to be executed</li> <li>• Covid19 Requirements</li> </ul>		
<b>Quality</b>	<p>Quality requirement: Category 2 of Eskom Supplier Quality Management Specification QM 58 240-105658000:</p> <ul style="list-style-type: none"> <li>• The supplier shall complete and sign <b>Form A</b> (Enquiry/Contract/Quality Requirements for QM 58 and ISO 9001).</li> <li>• 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"> <li>➢ Quality Management System manual or a document that have defines and describes the QMS and its scope</li> <li>➢ Quality Policy</li> <li>➢ Quality Objectives</li> <li>➢ Control of documented information</li> <li>➢ Records required by ISO 9001 standard (List of Records)</li> <li>➢ Internal audit procedure</li> <li>➢ Control of non-conformity outputs</li> <li>➢ Nonconformity and Corrective action procedure</li> </ul> </li> <li>• The supplier shall submit the latest copy of an internal management system audit</li> </ul>		✓

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	<p>reports. The audit reports must include, if applicable, nonconformity identified, and the resulting remedial actions (correction and/ or corrective action reports).</p> <ul style="list-style-type: none"> <li>• The supplier shall submit a <b>draft contract quality plan</b> 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.</li> <li>• The supplier shall submit an example of <b>inspection and test plan (ITP) or quality control plan (QCP)</b> on similar or previous work done. The plan must address the minimum requirements as per ISO 10005 (if applicable).</li> <li>• The supplier shall submit documented information for Control of Externally Provided Processes, Products and Services.</li> <li>• The supplier shall submit a copy of documented information for roles, responsibilities and authorities.</li> </ul>		
<b>Environmental</b>	<ul style="list-style-type: none"> <li>• Environmental Management System File</li> <li>• A detailed signed Contractor's Environmental Management Plan (EMP) pertaining to site specific activities</li> <li>• Emergency Preparedness Plans (e.g. oil / chemical spill, disasters, etc.)</li> <li>• Register of all hazardous substances</li> <li>• Material Safety Data Sheets (MSDS)</li> <li>• Waste Management Plan</li> </ul>		✓
<b>Due Diligence</b>	<p>Audited Financial Statements of the <i>tenderer</i> for the previous 18 months, or to the extent that such statements are not available, for the last year. Tenderers must note that in the case of a joint venture or special purpose vehicle (SPV) especially formed for this tender, audited financial statements for each participant in the JV / SPV is required. Start-up enterprises formed within the last 12 months are not required to send in statements, but if successful with their tender will be required to send statements for the first year when once available.</p>		✓

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DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHINICAL CRITERIA			
Technical (required for functionality scoring)			
	<b>1. Organogram</b> The organogram accompanied by all related CV's and must contain the names, surnames, ID numbers, designation, roles and responsibilities, contact information, proof of qualifications and experience of each individual working on the project. Critical resources that must be included in the organogram are: site manager, SHEQ resources, rubber lining artisan/ technician, welders, pipe fitters, etc. <ul style="list-style-type: none"> <li>• Complete organogram with all critical resources and all respective supporting documents</li> <li>• Fairly completed organogram with 75% of the required critical resources together with respective supporting documents</li> <li>• Partially completed organogram with half of the required critical resources together with respective supporting documents</li> <li>• Poorly completed organogram with far less the required critical resources together with respective supporting documents</li> </ul>	✓	
	<b>2. Related Work Experience</b> The company provides proof of >=3 completed projects of a similar scope. i.e. rubberising and piping construction work completed within the last 5 years. Supply a Supporting document file for work previous work done that includes: Contract details, Execution program, QCP's, Handover certificates, Proof of skills retention. <ul style="list-style-type: none"> <li>• &gt;=Three completed projects with all the required supporting documents</li> <li>• Two completed projects with all the required supporting documents</li> <li>• One completed projects with all the required supporting documents</li> </ul>	✓	
	<b>3. Quality Control Plan for rubber lining</b> Provide proof of the company's ISO9001 certification / accreditation / compliance with	✓	

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	<p>the rubber lining industry. Submit a complete method statement and related QCP for the acceptance, approval and application of all products prescribed in the Scope of Works i.e. internal (rubber lining) and external coating (contractor's responsibility)</p> <ul style="list-style-type: none"> <li>• Submittal of proof of company's ISO9001 certification with the rubber lining industry, method statement, QCP and proposal for external coating and internal lining's primer or bonding agent</li> <li>• Submittal of proof of company's ISO9001 accreditation with rubber lining industry and all the required documents with fairly acceptable method statement, QCP proposal for external coating and internal lining's primer or bonding agent</li> <li>• Submittal of proof of company's ISO9001 compliance with rubber lining industry and all the required documents with fairly acceptable method statement and QCP</li> </ul>		
	<p><b>4. Quality Control Plan for pipe work</b> Proof of company's ISO9001 certification / accreditation / compliance for construction work. Submit a complete method statement and related QCP for the acceptance and approval of the construction work (fabrication, mechanical pipe fitting and installation)</p> <ul style="list-style-type: none"> <li>• Submittal of proof of company's ISO9001 certification with acceptable method statement and QCP</li> <li>• Submittal of proof of company's ISO9001 accreditation with fairly acceptable method statement and QCP</li> <li>• Submittal of proof of company's ISO9001 compliance with fairly acceptable method statement and QCP</li> </ul>	✓	
	<p><b>5. Guarantee</b> The company or contractor must provide guarantee certificate for the applied lining system. The applied lining system shall be guaranteed jointly by the lining manufacture and applicator Minimum required lining guarantee is 10</p>	✓	

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	<p>years as recommended by Eskom processes. Primer or bonding agent for both external and internal coating to be used must be described in detail.</p> <ul style="list-style-type: none"> <li>• Submittal of 10 year guarantee certificates and acceptable primer or bonding agent for both external and internal coating</li> </ul>		
	<p><b>6. Lining material certificate and data sheets</b></p> <p>Provide detailed data sheet for internal and external coating together with material certificates.</p> <p>Data sheets to describe all necessary information covering; generic type, physical, chemical, service temperatures, chemical resistance limits, etc.:</p> <ul style="list-style-type: none"> <li>• Submittal of all data sheets and material certificates with all the required information</li> <li>• Submittal of material and data sheets with minimal information</li> <li>• Submittal of data sheets without and material certificates or material certificates without data sheets</li> </ul>	✓	
	<p><b>7. Detailed Program</b></p> <p>Execution program from start to finish indicating all the activities involved, relationships, duration, start and completion dates for the complete SOW.:</p> <ul style="list-style-type: none"> <li>• Submittal of execution program with all the required information</li> <li>• Submittal of execution program with 80% of the required information</li> <li>• Submittal of execution program with &gt;=50% of the required information</li> </ul>	✓	

#### 1.4 BASIC COMPLIANCE


Before evaluation process can commence basic compliance of tenders will be done:

- Complete original tender, plus one (1) hard copy of the original tender.
- Attendance of compulsory site clarification meeting.

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## 1.5 EVALUATION PROCESS AND CRITERIA

### 1.5.1 - Stage 1 - SDL & I Designated material thresholds:

Material	Threshold %
Steel	100%
Valves	70%

#### **NOTE:**

#### Mandatory Returnables: Condition of contract award

- (F1) - SBD 6.2 Declaration Form
- (F2) - Annexure C (Local Content Declaration-Summary Schedule)

#### Non Mandatory Returnables:

- (F3) - Annexure D-Imported Content Declaration – Supporting Schedule to Annexure C
- (F4) - Annexure E-Local Content Declaration- Supporting Schedule to Annexure C.

Tenderers need to complete and submit Annexure F1-F4 hereto as evidence of compliance with this requirement.

### 1.5.2 - Stage 2 - CIDB

- Valid proof of CIDB Registration **6ME** or above or Proof of Registration which is valid for 21 working days from the closing date for submission of tenders


### 1.5.3 - Stage 3: Technical - Functionality Criteria:

Criteria	Weight
<b>1. Organogram</b> The organogram accompanied by all related CV's and must contain the names, surnames, ID numbers, designation, roles and responsibilities, contact information, proof of qualifications and experience of each individual working on the project. Critical resources that must be included in the organogram are: site manager, SHEQ resources, rubber lining artisan/ technician, welders, pipe fitters, etc. <ul style="list-style-type: none"> <li>• Complete organogram with all critical resources and all respective supporting documents = <b>15 %</b></li> <li>• Fairly completed organogram with 75% of the required critical resources together with respective supporting documents = <b>12%</b></li> <li>• Partially completed organogram with half of the required critical resources together with respective supporting documents = <b>7.5%</b></li> </ul>	<b>15%</b>

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<ul style="list-style-type: none"> <li>• Poorly completed organogram with far less the required critical resources together with respective supporting documents = <b>5%</b></li> <li>• No organogram = <b>0%</b></li> </ul>	
<p><b>2. Related Work Experience</b></p> <p>The company provides proof of &gt;=3 completed projects of a similar scope. i.e. rubberising and piping construction work completed within the last 5 years. Supply a Supporting document file for work previous work done that includes: Contract details, Execution program, QCP's, Handover certificates, Proof of skills retention.</p> <ul style="list-style-type: none"> <li>• &gt;=Three completed projects with all the required supporting documents = <b>15%</b></li> <li>• Two completed projects with all the required supporting documents = <b>12%</b></li> <li>• One completed projects with all the required supporting documents = <b>5%</b></li> <li>• No completed projects = <b>0%</b></li> </ul>	<b>15%</b>
<p><b>3. Quality Control Plan for rubber lining</b></p> <p>Provide proof of the company's ISO9001 certification / accreditation / compliance with the rubber lining industry. Submit a complete method statement and related QCP for the acceptance, approval and application of all products prescribed in the Scope of Works i.e. internal (rubber lining) and external coating (contractor's responsibility)</p> <ul style="list-style-type: none"> <li>• Submittal of proof of company's ISO9001 certification with the rubber lining industry, method statement, QCP and proposal for external coating and internal lining's primer or bonding agent = <b>15%</b></li> <li>• Submittal of proof of company's ISO9001 accreditation with rubber lining industry and all the required documents with fairly acceptable method statement, QCP proposal for external coating and internal lining's primer or bonding agent = <b>12%</b></li> <li>• Submittal of proof of company's ISO9001 compliance with rubber lining industry and all the required documents with fairly acceptable method statement and QCP = <b>7.5%</b></li> <li>• Submittal of all the required documents without external coating and internal lining primer or bonding agent proposal = <b>0%</b></li> </ul>	<b>15%</b>
<p><b>4. Quality Control Plan for pipe work</b></p> <p>Proof of company's ISO9001 certification / accreditation / compliance for construction work. Submit a complete method statement and related QCP for the acceptance and approval of the construction work (fabrication, mechanical pipe fitting and installation)</p> <ul style="list-style-type: none"> <li>• Submittal of proof of company's ISO9001 certification with acceptable method statement and QCP = <b>15%</b></li> <li>• Submittal of proof of company's ISO9001 accreditation with fairly acceptable method statement and QCP = <b>12%</b></li> </ul>	<b>15%</b>

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<ul style="list-style-type: none"> <li>• Submittal of proof of company's ISO9001 compliance with fairly acceptable method statement and QCP = <b>7.5%</b></li> <li>• No QCP and method statement = <b>0%</b></li> </ul>	
<b>5. Guarantee</b> The company or contractor must provide guarantee certificate for the applied lining system. The applied lining system shall be guaranteed jointly by the lining manufacture and applicator. Minimum required lining guarantee is 10 years as recommended by Eskom processes. Primer or bonding agent for both external and internal coating to be used must be described in detail. <ul style="list-style-type: none"> <li>• Submittal of 10 year guarantee certificates and acceptable primer or bonding agent for both external and internal coating = <b>15%</b></li> <li>• No guarantee certificate and less than 10 years guarantee = <b>0%</b></li> </ul>	<b>15%</b>
<b>6. Lining material certificate and data sheets</b> Provide detailed data sheet for internal and external coating together with material certificates. Data sheets to describe all necessary information covering; generic type, physical, chemical, service temperatures, chemical resistance limits, etc.: <ul style="list-style-type: none"> <li>• Submittal of all data sheets and material certificates with all the required information = <b>10%</b></li> <li>• Submittal of material and data sheets with minimal information = <b>7.5%</b></li> <li>• Submittal of data sheets without and material certificates or material certificates without data sheets = <b>3%</b></li> <li>• No data sheets and material certificates = <b>0%</b></li> </ul>	<b>10%</b>
<b>7. Detailed Program</b> Execution program from start to finish indicating all the activities involved, relationships, duration, start and completion dates for the complete SOW.: <ul style="list-style-type: none"> <li>• Submittal of execution program with all the required information = <b>15%</b></li> <li>• Submittal of execution program with 80% of the required information = <b>12%</b></li> <li>• Submittal of execution program with &gt;=50% of the required information = <b>7.5%</b></li> <li>• Submittal of execution program with &lt;50% of the required information = <b>0%</b></li> </ul>	<b>15%</b>
<b>Threshold</b>	<b>75%</b>


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

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#### 1.5.4 Stage 4 - PPPFA Based on 80/20 or 90/10 Principle:

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

**80/20**                      **or**                      **90/10**

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

Where

**P<sub>s</sub>** = Points scored for price of bid under consideration  
**P<sub>t</sub>** = Price of bid under consideration  
**P<sub>min</sub>** = Price of lowest acceptable bid

#### **Calculation of Points for B-BBEE Status Level of Contributor**

Tenderers are required to submit original and valid B-BBEE Status Level Verification Certificates or certified copies thereof together with their bids to substantiate the B-BBEE claims.

**Tenderers who do not submit B-BBEE Status Level Verification Certificates or non-compliant contributors to B-BBEE will not qualify for preference points for B-BBEE however will not be disqualified from the tender process. Such a tenderer will score points out of 80 or 90 for price and points out of 20 or 10 for B-BBEE.**


Points awarded to a bidder for attaining the B-BBEE status level Points for B-BBEE Status level of contributor will be awarded in accordance with the table below:

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

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The points scored for price will be added to the points scored for B-BBEE status level of contributor to obtain the bidder's total points scored out of 100.

- Price will be calculated out of 80/90 points
- Maximum of twenty (20/10) points will be allocated to the relevant B-BBEE compliant level
- Preference points will be allocated in accordance with B-BBEE Level of Contribution
- Price points and B-BBEE preference points will then be added together
- The tenderer who obtains the highest points will be awarded the tender, the specific goals (BBBEE) justify awarding to another tenderer in accordance with Section 2 (1) (f) of the objective criteria of PPPFA Regulations.
- In accordance with Section 10.1 of PPPFA Regulations, tenderers who subcontract more than 25% of the contract value to any other enterprise that does not qualify for at least the same number of points that the tenderer qualifies for, must not be awarded points claimed for BBBEE status, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- Tenderers are not allowed to sub-contract more than 25% of the contract value to another enterprise that does not have equal or higher BBBEE status level, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract, in accordance with Section 10.2 of PPPFA Regulations.  
Tenderers are required to submit a valid B-BBEE Status Level Verification Certificate or certified copies thereof together with their tenders to substantiate theirs.

#### **1.5.5 Stage 5 - Objective Criteria (SHEQ), Technical and SDL & I:**

- Health and Safety Requirements
- Quality Requirements
- Environmental Requirements
- Contact details (landline) of reference of previous experience.
- Commercial Requirements
- **Supplier Development, Localisation and Industrialisation (SDL & I) Undertaking**

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

#### **B-BBEE Requirements:**

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


#### **Local Procurement Content:**

Local Procurement Content" refers to value added in South Africa by South African resources. Where a single contract involves a combination of local and imported goods and/or services, the tender response must be separated into its components as per the Price

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Schedule included with the tender documents. Local procurement content is total spend minus the imported component.

Local Procurement Content	Eskom Target	Tenderer Proposal
	100%	

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

Subcontracting:

Subcontracting	Tenderer's 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 on all categories	

Scope that may be subcontracted and/or outsourced:

- 1 Transport
- 2 Accommodation.
- 3 Site establishment, rental of containers and ablutions facilities

SD&L 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.

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- 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:**

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


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

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

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**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:**

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_


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

Invitation to Tender No: \_\_\_\_\_

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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\_\_\_\_\_

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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](http://www.treasury.gov.za)
5. Alternatively, you may contact from Eskom's Vendor Management department, who can assist you further with the registration on CSD.
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		NO	
-----	--	----	--

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		NO	
-----	--	----	--

- 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		NO	
-----	--	----	--

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

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

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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.

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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<b>Legal Name of Joint Venture Member</b>	<b>Full Name and Capacity of Authorised Signatory</b>	<b>Signature</b>

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

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 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><b>[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].</b></p> <p>The Database of Restricted Suppliers can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>).</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 (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>).</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.**


<b>Signature:</b>	
<b>Designation and capacity in which signing:</b>	
<b>Date:</b>	

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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.**


<b>Signature:</b>	
<b>Designation and capacity in which signing :</b>	
<b>Date:</b>	

**(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).**

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## **ANNEXURE D**

### **CPA REQUIREMENTS FOR LOCAL GOODS AND SERVICES (SOUTH AFRICA)**

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

*This Section will not be applicable to professional services contract*

#### **1. APPLICATION OF CPA**

Eskom 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
<b>Labour general (hourly paid)</b> SEIFSA, C3, actual labour cost	<b>Steel</b> StatsSA, P0142.1 Table 2, basic iron and steel	<b>Mechanical engineering material</b> SEIFSA, G, mechanical engineering material	SEIFSA, L2, road freight costs	StasSA, PO141 <b>CPI</b> (Headline) all items OR SEIFSA, D-2 (CPI)
	<b>Copper</b> SEIFSA, F, copper metric ton	<b>Electrical engineering material</b> SEIFSA, G-1, electrical engineering material		
<b>Labour general</b> SEIFSA, C3 (a), actual labour cost (field force) where subsistence allowance is paid	<b>Aluminium</b> SEIFSA, R, aluminium	<b>Building and construction material</b> SEIFSA, G, building and construction material		StasSA, PO142.1), <b>PPI</b> <ul style="list-style-type: none"> <li>• Final Manufactur ed Goods</li> <li>Or</li> <li>• Intermediat e Manufactur ed Goods OR</li> <li>• SEIFSA Table U Producer Price Index (PPI</li> </ul> - final manufactured GOODS OR Intermediate Manufactured Goods
	<b>Zinc</b> SEIFSA, F, zinc			
<b>Lead</b> 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			
	LME, zinc	National Statistical Institute, Country-specific building and construction material		
	LME, lead			


Closing date of tender \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

TENDERER'S SIGNATURE \_\_\_\_\_

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## **ANNEXURE F1**

SBD 6.2

### **DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS**

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

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

#### **1. General Conditions**

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

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


Where

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

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

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

1.6. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation;

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

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

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

*(Tick applicable box)*

YES		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](http://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**

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)</b>					
BID NUMBER:	MPGXC005958R1	CLOSING DATE:	26 MAY 2021	CLOSING TIME:	10H00
DESCRIPTION	THE MECHANICAL REFURBISHMENT OF ACID AND CAUSTIC BAY AT KENDAL POWER STATION				
<b>BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)</b>					
ESKOM TENDER BOX, GROUND FLOOR					
NO.10 SMUTS AVENUE					
WITBANK/EMALAHLENI					
MPUMALANGA					
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>			<b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>		
CONTACT PERSON	Shilo Motuku		CONTACT PERSON	Refilwe Mosadi	
TELEPHONE NUMBER	013 647 9188		TELEPHONE NUMBER	017 779 8813	
FACSIMILE NUMBER	N/A		FACSIMILE NUMBER	N/A	
E-MAIL ADDRESS	Shilo.motuku@eskom.co.za		E-MAIL ADDRESS	MosadiRM@eskom.co.za	
<b>SUPPLIER INFORMATION</b>					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX]  <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX]  <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>					

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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 THE QUESTIONNAIRE BELOW ]
---	--	--	---

**QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS**


- IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?  YES  NO
- DOES THE ENTITY HAVE A BRANCH IN THE RSA?  YES  NO
- DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?  YES  NO
- DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?  YES  NO
- IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?  YES  NO

**IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.**

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## PART B TERMS AND CONDITIONS FOR BIDDING

<b>1. BID SUBMISSION:</b>
1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION. 1.2. <b>ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.</b> 1.3. 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 SPECIAL CONDITIONS OF CONTRACT. 1.4. <b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</b>
<b>2. TAX COMPLIANCE REQUIREMENTS</b>
2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS. 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS. 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA. 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID. 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER. 2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED. 2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

**NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.**

SIGNATURE OF BIDDER:

.....

CAPACITY UNDER WHICH THIS BID IS SIGNED:

.....

(Proof of authority must be submitted e.g. company resolution)


DATE:

.....

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## Annexure H

## SBD 6.1

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

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

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

#### 1. GENERAL CONDITIONS

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

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

1.2

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

1.3 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
<b>PRICE</b>	
<b>B-BBEE STATUS LEVEL OF CONTRIBUTOR</b>	
<b>Total points for Price and B-BBEE must not exceed</b>	<b>100</b>

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- 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.
- 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 OR 90/10 PREFERENCE POINT SYSTEMS

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

**80/20**    **or**    **90/10**

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

Where

$P_s$  = Points scored for price of bid under consideration

$P_t$  = Price of bid under consideration

$P_{\min}$  = Price of lowest acceptable bid

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

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

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

### 5. BID DECLARATION


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

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

**7. SUB-CONTRACTING**

7.1 Will any portion of the contract be sub-contracted?  
 (*Tick applicable box*)

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

7.1.1 If yes, indicate:

- i) What percentage of the contract will be subcontracted .....%?
- ii) The name of the sub-contractor .....
- iii) The B-BBEE status level of the sub-contractor .....
- iv) Whether the sub-contractor is an EME or QSE (*Tick applicable box*)

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


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

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

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<b>OR</b>		
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:.....

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

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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 style="text-align: center;">.....</p> <p style="text-align: center;">SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE: .....</p>
--	---

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