	Invitation to Tender	Template Identifier	240-114238630	Rev	4	
		Document Identifier	N/A	Rev	N/A	
		Effective Date	01 July 2018			
		Review Date	February 2022			

ESKOM HOLDINGS SOC LTD

INVITATION TO TENDER

FOR


**PROVISION OF ASH DAM SAFETY MONITORING FOR A PERIOD OF 36 MONTHS AT
KOMATI POWER STATION**

Tender number	MPGXC006634
Issue date	23 April 2021
Closing date and time	15 June 2021 at 10h00
Tender validity period	90 days from the closing date and time
Clarification meeting	N/A
Tenders are to be delivered to the following address on the stipulated closing date and time:	The Tender Office Tender Box, Ground Floor No.10 Smuts Avenue Witbank / Emalahleni Mpumalanga

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	Invitation to Tender	Template Identifier	240-114238630	Rev	4	
		Document Identifier	N/A	Rev	N/A	
		Effective Date	01 July 2018			
		Review Date	February 2022			

Invitation to Tender/Request for Proposal

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a *tender* for the Provision of Ash Dam safety Monitoring

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

- Free of charge


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

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

Yours faithfully

Mari-Lize Compton - Procurement Manager

Komati Power station


Signature:  _____

Date: **2021-04-23** _____

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	Invitation to Tender	Template Identifier	240-114238630	Rev	4	
		Document Identifier	N/A	Rev	N/A	
		Effective Date	01 July 2018			
		Review Date	February 2022			

Contents of Invitation to Tender/Enquiry documents

1. Invitation to tender

- 1.1 Standard Conditions of Tender (refer to www.eskom.co.za for this document that suppliers are required to download and read)
- 1.2 Tender Data
- 1.3 Commercial Tender returnables

2. Evaluation process and criteria
 - 2.1 Basic Compliance
 - 2.2 Mandatory tender returnables
 - 2.3 Pre-qualification criteria (if applicable)
 - 2.4 Local content and production (applicable where designated materials are included)
 - 2.5 Functionality
 - 2.6 Financial evaluation
 - 2.7 Price and preference scoring
 - 2.8 Objective criteria (if applicable)

3. Condition of contract (see contract conditions attached)

4. Scope of work/Works Information/Employers Requirements (see Contract attached)
5. Pricing data (See contract attached)


6. Annexures [***procurement practitioner must attach the annexures that are mandatory for all tenders as indicated by (*) Other annexures must only be attached where applicable***]

Number	Description	Annexure/to be downloaded and attached	Attached (Y/N)
6.1	*Acknowledgement form	Annexure A	
6.2	*Tenderer's particulars	Annexure B	
6.3	* Integrity Declaration Form (refer to www.eskom.co.za for the Supplier Integrity Pact that suppliers are required to download and read)	Annexure C	√
6.4	CPA Requirements for Local (South African)	Annexure D	√
6.5	CPA(IG) for Foreign Goods/services (if applicable)	Annexure E	√

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	Invitation to Tender	Template Identifier	240-114238630	Rev	4	
		Document Identifier	N/A	Rev	N/A	
		Effective Date	01 July 2018			
		Review Date	February 2022			


6.6	SBD 6.2- Declaration Certificate for Local Production and Local Content (only applicable if designated materials are included).	Annexure F1	√
	Annexure C-Local Content Declaration-Summary Schedule	Annexure F2	√
	Annexure D-Imported Content Declaration – Supporting Schedule to Annexure C	Annexure F3	√
	Annexure E-Local Content Declaration-Supporting Schedule to Annexure C	Annexure F4	√
6.7	Acknowledgement of funding requirements (only applicable for contracts with an estimated value of more than R30M inclusive of VAT)	Annexure G	
6.8	*Addenda acknowledgement form	Annexure H	
6.9	Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE [only to be attached for services type of contracts].	To be downloaded from Hyperwave	√
6.10	SBD 1 -Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure I	√
6.11	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	Annexure J	√
6.12	Supplier Development & Localisation (SD&L) Undertaking [only to be attached if applicable]	To be obtained from SD&L	√

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

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	Invitation to Tender	Template Identifier	240-114238630	Rev	4	
		Document Identifier	N/A	Rev	N/A	
		Effective Date	01 July 2018			
		Review Date	February 2022			

Clause Number from Standard Conditions of Tender	Tender Data
1.1 Parties	<p>The <i>Employer</i> is Eskom Holdings SOC Ltd</p> <p>The Eskom <i>Representative</i> is: Name: Mapula Molaoa Tel: 013 295 9937 E-mail: Molaoam@eskom.co.za</p>
2.1 Eligible tenders	<p>Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture) complies with the <i>eligibility criteria</i> stated in the Tender Data and the tenderer, or any of his principals, is not under any restriction to do business with Eskom/State Owned Companies.</p> <p>Tenderers are deemed ineligible to submit a tender if</p> <ul style="list-style-type: none"> • Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be deemed to have the nationality of a country if the tenderer is a national or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also apply to the determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services. <ul style="list-style-type: none"> • Tenderers submit more than one tender either individually or as a partner in a joint venture (JV) or consortium • Tenders submitted by a JV or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms. • A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. A Tenderer may be

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	Invitation to Tender	Template Identifier	240-114238630	Rev	4	
		Document Identifier	N/A	Rev	N/A	
		Effective Date	01 July 2018			
		Review Date	February 2022			

	<p>considered to have a conflict of interest with one or more parties in this tendering process, if :</p> <ul style="list-style-type: none"> ○ (a)they have a controlling partner/majority shareholder in common; or ○ (b)they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender of another Tenderer, or influence the decisions of the Employer regarding this bidding process; <ul style="list-style-type: none"> • Tenders signed by non- authorized persons • Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers) • A tender that fails to meet any pre-qualifying criteria stipulated in the tender documents is an unacceptable tender (section 4 (2) of PPPFA Regulations • Any tenderer that is restricted by National Treasury • A tenderer that sub-contracts 100% Scope of Work. <p>Ineligible tenderers will be disqualified.</p>
1.3 Enquiry documents	The Invitation to tender number is : MPGXC006634 See the content list above for the enquiry documents.
1.4 Type of Invitation to Tender/RFP	This invitation to tender is: An open Invitation to tender
1.6 Eskom's rights to accept or reject any tender	The tender shall be for the whole of the contract.

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	Invitation to Tender	Template Identifier	240-114238630	Rev	4	
		Document Identifier	N/A	Rev	N/A	
		Effective Date	01 July 2018			
		Review Date	February 2022			

2.2 -2.5 Tender Closing	<p>The deadline for Tender submission is : Date 15 June 2021 Time 10h00 Late Tenders will not be accepted</p> <p>Tenders are to be submitted to the Eskom <i>tender box</i> at the following physical address: THE TENDER OFFICE Tender Box, Ground Floor No.10 Smuts Avenue Witbank / Emalahleni Mpumalanga</p>
C	
3.10 Mandatory tender returnables	<p>See below list of Tender Returnables, some of these are mandatory at the Tender submission deadline, and others are mandatory prior to contract award.</p> <p>The tenderer will be disqualified if mandatory tender returnables are not submitted on/before the stipulated deadlines. However, where required for scoring purposes only; they will be scored zero; but not disqualified. Where certain documents may be required as evidence of compliance to Pre-qualification criteria; and these are not provided by stipulated deadlines; then the tenders will be disqualified.</p> <p>Evidence of similar or same work done Formal documented Letter to be submitted with the following information:</p> <ol style="list-style-type: none"> 1. Projects completed 2. Company 3. Contacts(Telephone number and email address) 4. Period of project (Dates) <p>NB. Referral Companies will be contacted telephonically to verify information supplied.</p>
2.9 Copy of original tender	The tenderer shall submit an original tender, plus 1 complete hard copy of the original

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	Invitation to Tender	Template Identifier	240-114238630	Rev	4	
		Document Identifier	N/A	Rev	N/A	
		Effective Date	01 July 2018			
		Review Date	February 2022			

	<p>tender at tender submission deadline.</p> <p>Where a Tenderer does not submit 1 complete 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 90 days
2.16 Site/clarification meetings	A clarification meeting is not applicable
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 5 working days before the deadline for tender submission.
2.25 Conditions of contract	The conditions of contract will be the NEC3 Professional Services Contract
2.23 Alternative tenders	Alternative tenders are not allowed .
2.31 Provision of security for performance	Not applicable
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 be read out on request .
3.9 Basic Compliance	<p>Basic compliance for this invitation to tender are:</p> <ul style="list-style-type: none"> • Meet the eligibility criteria for a tenderer • Submit one (1) complete hard copy of the original tender to Eskom • Submit a complete original tender with commercial, financial and technical information • Submission of the mandatory commercial tender returnables as at stipulated deadlines. • Central Supplier Database (CSD) number (MAA.....)

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	Invitation to Tender	Template Identifier	240-114238630	Rev	4	
		Document Identifier	N/A	Rev	N/A	
		Effective Date	01 July 2018			
		Review Date	February 2022			

3.10 Mandatory tender returnables	<p>Mandatory tender returnables required for scoring are listed hereunder.</p> <p>Commercial mandatory requirements: Acknowledgement Form Price List Signed NEC3 Form of Offer and Acceptance Suppliers Integrity/Declaration Pack</p> <p>Tenderers who do not submit mandatory tender returnables as at stipulated deadlines will be disqualified.</p>
3.11 SD & L Requirements	<p>Job Creation</p> <p>Job creation proposal by tenderers does not form part of the tender evaluation criterion. It is however, part of Eskom's contribution towards the Government's job-creation initiatives to local to site to Komati Power Station and the surrounding areas of Nkangala District Municipalities.</p>
3.12 Designated materials and thresholds	Refer to SBD.2 for designated sectors
COMMERCIAL RETURNABLES:	
Sworn Affidavit / BBB-EE Verification certificate	Compulsory
Employment Equity Registry	
Integrity Pack Declaration	Compulsory
List of Directors	Compulsory
Acceptance of NEC Professional Services Contract Conditions:	Compulsory
X1: Price adjustment for inflation X2 – Changes in the law, X17 – Low Service Damages X18 – Limitation of Liability, X19 – Task Order Additional Clauses: Z1 – Z11	


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.

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	Invitation to Tender	Template Identifier	240-114238630	Rev	4	
		Document Identifier	N/A	Rev	N/A	
		Effective Date	01 July 2018			
		Review Date	February 2022			

“Eskom reserves the right to award to a supplier who may not be the highest scoring/ highest ranked supplier, in line with Section (2)(1)(f) of the PPPFA.”

Eskom may only cancel a tender for the second time with the prior approval of the relevant treasury. Eskom must make representation to the relevant treasury stating reasons for cancellation for the second time. This cancellation(for the second time), however does not refer to price quotations in terms of threshold for procurement but tenders that have been advertised for open competitive tendering process.

The decision to cancel a tender invitation will be published in the same manner in which the original tender invitation was advertised.

The tenderer must submit the returnables set out hereunder as part of its tender. (Mandatory returnables are indicated by a tick (✓), and if they are not included by tender deadline, the tenders will be disqualified from further evaluation).

Documents preceded by * are required at tender returnable stage (B-BBEE certificate) and although will not result in disqualification, will impact the scoring. A zero will be allocated, if not submitted by tender closing deadline.


Documents preceded by ** do not need to be submitted physically to Eskom(either at tender deadline or before contract award, if the tenderer is registered with CSD, has provided a valid registration number as required in **Annexure B** (the tenderer’s particulars) and such documents can be verified on CSD.

Please note that foreign suppliers (with no footprint in RSA) are not required to be registered on CSD and therefore they may be required to provide hard copies of relevant documentation.

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	Invitation to Tender	Template Identifier	240-114238630	Rev	4	
		Document Identifier	N/A	Rev	N/A	
		Effective Date	01 July 2018			
		Review Date	February 2022			

Reference	Returnables from supplier	Mandatory returnable for evaluation	Mandatory returnable for contract award
Basic Compliance	One (1) complete hard copy of the tender	✓	
Pre-qualification criteria <ul style="list-style-type: none"> Sub-contracting to designated groups 	<i>Signed Sub-contracting intent agreement Proof (certificate/affidavit) of sub-contractor belonging to designated group</i> Not applicable for this enquiry		
Annexure A	Acknowledgement Form	✓	
Additional Documents required in event of JV:-	Letter of intent to form a JV/consortium		✓
	Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios.		
	Written confirmation that the joint venture will operate as a single business entity (incorporated) for the duration of the contract (this may be included as an obligation within the JV agreement)		Not applicable
	* A trust, consortium or joint venture (including unincorporated consortia and joint ventures) must submit a consolidated B-BBEE Status Level Verification Certificate for every separate tender.		Not applicable
	Details and confirmation of a single designated bank account in the name of the JV and independent of the individual JV partners, as set out in the joint venture agreement.		✓
Annexure B	Tenderers Particulars	✓	
Annexure C	Integrity Pact Declaration form	✓	
Annexure D	CPA for local goods/services (if applicable)	✓	
Annexure E	CPA(IG) for imported goods/services (if applicable)	✓	
Annexure F1-F4	SBD 6.2 -Declaration certificate for local production and content and Annexures C, D, E(only applicable where designated materials are included)	✓	
Annexure G	Letter of acknowledgment of funding		✓

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	Invitation to Tender	Template Identifier	240-114238630	Rev	4
		Document Identifier	N/A	Rev	N/A
		Effective Date	01 July 2018		
		Review Date	February 2022		

	requirements [only for contracts > R300M where applicable]		
Annexure H	Confirmation of receipt of addenda to enquiry document		✓
Annexure I (applicable for all suppliers including Foreign suppliers)	SBD 1- to be submitted with the tender at tender submission deadline	✓	
Annexure J	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations	✓	
	Supplier Development & Localisation (SD&L) Undertaking [if applicable to enquiry]	✓	✓
*B-BBEE Certificates	Failure on the part of the supplier to submit a valid current certificate for purposes of evaluation and scoring by the tender closing deadline will not result in disqualification (if otherwise deemed to be responsive and acceptable in all other aspects) but the tenderer will score zero on B-BBEE for purposes of scoring and ranking	✓	
Tax Clearance Certificates	Foreign suppliers (who have answered yes to any of the questions in the relevant section of SBD 1 and who have not provided a CSD or SARS Efiling pin number as per Annexure A, will need to provide a copy of a current valid tax compliance certificate		✓
Tax Questionnaire	Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE [only in the case of services contracts]		✓
Signed Sub-contracting intent agreement	Tenderers must, where subcontracting is a pre-qualification requirement, submit proof of signed subcontracting intent agreement		Not applicable
Compliance with Employment Equity Act	To the extent that the tenderer falls within the definition of a “designated Employer” as contemplated in the Employment Equity Act 55 of 1998, the tenderer is required to furnish the Employer with proof of compliance with the Employment Equity Act, including proof of submission of the Employment Equity report to the Department of Labour. (South African tenderers only)		✓
Financial statements	Audited Financial Statements of the <i>tenderer</i> for the previous two financial years, or to the extent that such statements are not	✓	

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	Invitation to Tender	Template Identifier	240-114238630	Rev	4	
		Document Identifier	N/A	Rev	N/A	
		Effective Date	01 July 2018			
		Review Date	February 2022			

	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.		
CIDB (where applicable)	Valid proof of CIDB (Construction Industry Development Board) Registration. However, where valid proof of CIDB Registration is not available at tender closing deadline, tenderers are at minimum expected to provide valid proof of application for Registration with the CIDB by tender closing deadline and proof of actual registration by contract award.		Not applicable
Shareholding	Shareholding organogram /breakdown (for each individual company/JV member) clearly identifying percentages owned by individual shareholders (full names & ID Numbers) and other entities (provide full legal/trading name and respective identifying registration/trust numbers)	✓	
NEC/FIDIC Documentation	Completed NEC/FIDIC pricing schedule and contract data.	✓	
DOCUMENTS REQUIRED			
Safety	COIDA - Original certificate of good standing or proof of application issued by the Compensation Fund (COID) or a licensed compensation insurer (South African tenderers only)		✓
Quality	Documents that may be required per scope of work		✓
Other safety/quality			✓

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	Invitation to Tender	Template Identifier	240-114238630	Rev	4
		Document Identifier	N/A	Rev	N/A
		Effective Date	01 July 2018		
		Review Date	February 2022		

documents as required per scope of works			
Environmental -	Documents that may be required as per scope of work		✓
Due Diligence	Financial statements etc that may be required for due diligence purposes.		✓
DOCUMENTS REQUIRED FOR TECHNICAL UNDER FUNCTIONALITY			

THRESHOLDS (FUNCTIONALITY)

- Non-negotiable criteria – Functionality (Minimum Threshold is 70%)


TECHNICAL RETURNABLES:

Description	Scoring
Schedule of Similar Works	10
2 references of previous works in the design/monitoring of Tailings/Ash dams with contacts	5 Compulsory
2 references of previous works in Safety evaluation of Water dams with contacts	5 Compulsory
Programme of Works	10
Project Schedule (Man-power)	10
Approved Professional Person (APP)	30
APP CV, Qualifications = 10	20 - Compulsory
ECSA Registration = 10	
Approved to Evaluate Dams with height of 40m and above	10 Compulsory
Method Statements and specifications to be followed in Contract execution	40
Ash dam safety evaluation	20 Compulsory

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	Invitation to Tender	Template Identifier	240-114238630	Rev	4	
		Document Identifier	N/A	Rev	N/A	
		Effective Date	01 July 2018			
		Review Date	February 2022			

Dam safety (Evaluation of all water dams)	20 Compulsory
Man-Power	10
Contract specific organogram	5
CV's and experience record of personnel to be used in the works (3 Civil Engineers with minimum 5 years' experience in Water and Tailings Dams)	5 Compulsory
Total	100

CONTRACTUAL REQUIREMENTS:


OCCUPATIONAL HEALTH AND SAFETY RETURNABLES – PLEASE SUBMIT WITH THE TENDER:
<ul style="list-style-type: none"> SHE Policy (signed by CEO/MD and dated)
<ul style="list-style-type: none"> Health and Safety Baseline Risk Assessment (BRA)- based on the scope of work - This must be based on the scope of work Identification, assessment and management of SHE risks related to the scope of work. The methodology used for the risk assessment must be provided together with the BRA
<ul style="list-style-type: none"> Valid letter of good standing(COIDA or equivalent)
<ul style="list-style-type: none"> Acknowledgement of Eskom's SHE rules and requirement form (Annexure B)

QUALITY – PLEASE SUBMIT WITH THE TENDER
Category 2 will be used for this contract
Quality Management System that complies with ISO 9001. The following Approved Signed documents shall be submitted: <ul style="list-style-type: none"> QMS Manual or a document that defines and describes the QMS and its scope or Quality Method statement based on scope. Copy of Quality Policy signed by Top Management. Quality Objectives Approved by Top Management. Records required by ISO 9001 Standard (List of Records).

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	Invitation to Tender	Template Identifier	240-114238630	Rev	4	
		Document Identifier	N/A	Rev	N/A	
		Effective Date	01 July 2018			
		Review Date	February 2022			

<ul style="list-style-type: none"> • Control of Documented Information. • Documented information for Control of Non-Conforming outputs. • Documented information for Nonconformity and Corrective action. • Documented information for Internal Audit. • Documented information for defined Roles, Responsibilities and Authorities. • Documented information for Control of Externally Provided Processes, Products and Services. • Latest copy of an internal management system audit report (with Nonconformity, Correction and/ or Corrective Action Reports).
<ul style="list-style-type: none"> • Draft Contract Quality Plan specific to the scope of work as described in the tender documents (Ref ISO 10005).
<ul style="list-style-type: none"> • QCP /Checklist/ ITP (Quality Control Plans) as per Scope of Works (Ref ISO 10005 & 240-105658000) used in the past 2 years.
<ul style="list-style-type: none"> • Form A is completed and signed.
<ul style="list-style-type: none"> • Historical Information (list) of similar work performed < 2yrs

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	Invitation to Tender	Template Identifier	240-114238630	Rev	4	
		Document Identifier	N/A	Rev	N/A	
		Effective Date	01 July 2018			
		Review Date	February 2022			

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)	
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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	Invitation to Tender	Template Identifier	240-114238630	Rev	4	
		Document Identifier	N/A	Rev	N/A	
		Effective Date	01 July 2018			
		Review Date	February 2022			


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)	
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	

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	Invitation to Tender	Template Identifier	240-114238630	Rev	4	
		Document Identifier	N/A	Rev	N/A	
		Effective Date	01 July 2018			
		Review Date	February 2022			

1. If you are currently registered as a vendor with Eskom, please provide your Vendor registration number with Eskom. _____
2. If you are currently registered as a vendor on the Treasury Central Supplier Database(CSD) please provide your supplier registration number with Treasury _____
3. Please note that it is mandatory for you to register on National Treasury's CSD, if you intend doing work with any State department or State owned entity/company.
4. You may register online at National Treasury website on www.treasury.gov.za
5. Alternatively, you may contact [•] ***[insert the name and contact details of the relevant person 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	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

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

- 8.1 Confirm if you intend sub-contracting

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

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


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

- 8.5 If yes to 8.4, please provide CSD number. _____
- 8.4 Please confirm B-BBEE level of said sub-contractor _____
- 8.5 Which designated group does the sub-contractor belong to:-
 - a. Black people
 - b. Black people who are youth

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	Invitation to Tender	Template Identifier	240-114238630	Rev	4
		Document Identifier	N/A	Rev	N/A
		Effective Date	01 July 2018		
		Review Date	February 2022		

- 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 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.

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	Invitation to Tender	Template Identifier	240-114238630	Rev	4	
		Document Identifier	N/A	Rev	N/A	
		Effective Date	01 July 2018			
		Review Date	February 2022			


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

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

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	Invitation to Tender	Template Identifier	240-114238630	Rev	4	
		Document Identifier	N/A	Rev	N/A	
		Effective Date	01 July 2018			
		Review Date	February 2022			

ANNEXURE C

INTEGRITY DECLARATION FORM

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

1. DECLARATION OF INTEREST


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

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

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	Invitation to Tender	Template Identifier	240-114238630	Rev	4	
		Document Identifier	N/A	Rev	N/A	
		Effective Date	01 July 2018			
		Review Date	February 2022			

To give effect to the provisions above, please complete the table hereunder with all required information.

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

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

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

2. DECLARATION OF FAIR TENDERING PRACTICES

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


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

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

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	Invitation to Tender	Template Identifier	240-114238630	Rev	4	
		Document Identifier	N/A	Rev	N/A	
		Effective Date	01 July 2018			
		Review Date	February 2022			

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

Item	Question	Yes/No	No
1.1	Is the <i>tenderer/s(or any of its directors/members/shareholders)</i> listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector, or listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004) The Database of Restricted Suppliers and the Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za).		
1.2	Was the <i>tenderer/s (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?		
1.2.1	Provide details.		
1.3	Was the <i>tenderer/s(or any of its directors/members/shareholders)</i> prohibited from doing business with any International Financial Development/funding Agency or Lending Institution		

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


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

Signature:	
Designation and capacity in which signing:	
Date:	

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	Invitation to Tender	Template Identifier	240-114238630	Rev	4	
		Document Identifier	N/A	Rev	N/A	
		Effective Date	01 July 2018			
		Review Date	February 2022			

Joint Ventures

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

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


Signature:	
Designation and capacity in which signing :	
Date:	

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

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	Invitation to Tender	Template Identifier	240-114238630	Rev	4	
		Document Identifier	N/A	Rev	N/A	
		Effective Date	01 July 2018			
		Review Date	February 2022			

ANNEXURE D

CPA REQUIREMENTS FOR LOCAL GOODS AND SERVICES (SOUTH AFRICA)

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

This Section will not be applicable to professional services contract

1. APPLICATION OF CPA

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

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

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

2. TENDER SUBMISSIONS

Tenderers shall comply with the following requirements:

a. Main offer:

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

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

b. Additional/Alternative offer:


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

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

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	Invitation to Tender	Template Identifier	240-114238630	Rev	4	
		Document Identifier	N/A	Rev	N/A	
		Effective Date	01 July 2018			
		Review Date	February 2022			

Additional/Alternative Offers must be clearly indicated as such

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

6. **CPA FIXED PORTION**

CPA will be applicable

- Fixed portion :10%
- Base date: April 2021
- Labour : Seifsa table C3 :65%
- Material Civil Engineering Seifsa table G1 :20%
- Transport :Seifsa table L1A :5%

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:

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	Invitation to Tender	Template Identifier	240-114238630	Rev	4	
		Document Identifier	N/A	Rev	N/A	
		Effective Date	01 July 2018			
		Review Date	February 2022			

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
 - 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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	Invitation to Tender	Template Identifier	240-114238630	Rev	4	
		Document Identifier	N/A	Rev	N/A	
		Effective Date	01 July 2018			
		Review Date	February 2022			

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

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


Table 2: 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	National Statistical Institute, Country-specific CPI (Headline) National

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	Invitation to Tender	Template Identifier	240-114238630	Rev	4	
		Document Identifier	N/A	Rev	N/A	
		Effective Date	01 July 2018			
		Review Date	February 2022			


	LME, Copper	National Statistical Institute, Country-specific electrical engineering material	index	Statistical Institute, Country-specific PPI
	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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	Invitation to Tender	Template Identifier	240-114238630	Rev	4	
		Document Identifier	N/A	Rev	N/A	
		Effective Date	01 July 2018			
		Review Date	February 2022			

ANNEXURE E

CPA (IG) REQUIREMENTS FOR FOREIGN GOODS AND SERVICES

CONTRACT PRICE ADJUSTMENT AND FOREX PAYMENTS – IMPORTATION

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

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


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

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

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	Invitation to Tender	Template Identifier	240-114238630	Rev	4	
		Document Identifier	N/A	Rev	N/A	
		Effective Date	01 July 2018			
		Review Date	February 2022			

The following is a list of all currencies that Eskom deals with and the indicator assigned to each currency. Payment to suppliers in any currency listed below shall first be sanctioned by Treasury:

Indicator	Currency
AED	United Arab Emirates Dirham
AUD	Australian Dollar
BWP	Botswana Pula
CAD	Canadian Dollar
CHF	Swiss Franc
DKK	Danish Krone
EUR	Euro
GBP	Great British Pound
HKD	Hong Kong Dollar
IDR	Indonesian Rupee
ILS	Israeli Shekel
INR	Indian Rupee
JPY	Japanese Yen
KES	Kenyan Shilling
LSL	Lesotho Maloti
LYD	Libyan Dinar
MWK	Malawi Kwacha
MIR	Malaysian Ringitt
MZM	Mozambique Meticals
NAD	Namibian Dollar
NGN	Nigerian Naira
NOK	Norwegian Krone
NZD	New Zealand Dollar
SAR	Saudi Arabian Rial
SEK	Swedish Krone
SGD	Singapore Dollar
THB	Thailand Baht
TWD	Taiwanese Dollar
TZS	Tanzanian Shilling
USD	United States of America Dollar
ZAR	South African Rand

PART 1: PAYMENT OF FOREIGN COMMITMENTS

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

Payment Method 1A:

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

Please note that the contracting party must be the direct importer of the goods

Applicable (Y / N)

Payment Method 1B;

To a valid SARB approved CFC account in South Africa, in a foreign currency (payment will be made to the party and account nominated by the supplier in the contract, and not to any other party).


Please note:

- The contracting party must be the direct importer
- For payment purposes, Eskom will require both the foreign (commercial) invoice and the local tax invoice

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	Invitation to Tender	Template Identifier	240-114238630	Rev	4	
		Document Identifier	N/A	Rev	N/A	
		Effective Date	01 July 2018			
		Review Date	February 2022			

- The foreign currency values on both the commercial and local invoice must be the same. Eskom will not pay any profit in foreign currency.
- Service related payments are excluded from this option;

Applicable(Y/N) or

Payment Method 2:

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

Please note:

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

Applicable (Y/N).....

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

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

Fixed ZAR pricing

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

Applicable (Y/N).....

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

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


PART 2: EXCHANGE RATES

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

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	Invitation to Tender	Template Identifier	240-114238630	Rev	4	
		Document Identifier	N/A	Rev	N/A	
		Effective Date	01 July 2018			
		Review Date	February 2022			

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

PART 3: ADJUSTMENT OF IMPORTATION COSTS, ETC

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

	RATES/TARIFFS
Sea/Air Freight	
Bunker Adjustment Factor	
Currency Adjustment Factor	
Marine Risk Insurance (MRI) (Eskom will provide cover)	
Rate for Extension of MRI after Arrival of Goods at Site (if required)	
Wharfage	
Landing Charges	
Customs Duties	
RSA Port on which Import Charges are Based	

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

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

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


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

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

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	Invitation to Tender	Template Identifier	240-114238630	Rev	4	
		Document Identifier	N/A	Rev	N/A	
		Effective Date	01 July 2018			
		Review Date	February 2022			

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

4.1 MANUFACTURING CPA METHOD (LABOUR AND MATERIAL)

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

4.2 EXPATRIATE LABOUR METHOD

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

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

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

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

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


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

- 1 When the percentage increase or decrease between two indices/prices/tariffs is calculated, the earlier figure shall be taken as the base.
- 2 Where portions of the works are delivered at different times, contract price adjustments shall be made in respect of appropriate portions of the contract price.
- 3 Where the terms of payment of the contract allow progress payments, other than Eskom's standard payment terms, the agreed contract price adjustment method shall be applied to the value of such payment and to the date and level of completion to which payment is linked.
- 4 Where any figure given in a table is therein stated to be a provisional figure or is subsequently amended, the figure as ultimately confirmed or amended in the publication concerned shall apply.
- 5 Where the appropriate claim indices/prices, as defined in terms of the agreed formulae, are not available or are provisional, interim claims based on the last published confirmed or revised indices/prices as at the date of delivery/installation may be submitted. When the confirmed or revised index/price becomes available the final claim may be submitted, provided that such claim is received within 180 days of the date of delivery/installation.

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	Invitation to Tender	Template Identifier	240-114238630	Rev	4	
		Document Identifier	N/A	Rev	N/A	
		Effective Date	01 July 2018			
		Review Date	February 2022			

- 6 Where requested by Eskom the contractor shall submit publications showing base indices/prices/rates as they become available as well as updated values at three monthly intervals during the course of the contract.
- 7 Where it is considered necessary Eskom reserves the right to call for any documentary evidence to substantiate claims.

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

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

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	Invitation to Tender	Template Identifier	240-114238630	Rev	4	
		Document Identifier	N/A	Rev	N/A	
		Effective Date	01 July 2018			
		Review Date	February 2022			

Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

1. General Conditions

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

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

Where

x is the imported content in Rand

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

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

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:


Description of services, works or goods

Stipulated minimum threshold

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	Invitation to Tender	Template Identifier	240-114238630	Rev	4	
		Document Identifier	N/A	Rev	N/A	
		Effective Date	01 July 2018			
		Review Date	February 2022			

_____ %

_____ %

_____ %

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

(Tick applicable box)

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

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

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

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

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

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

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

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

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

IN RESPECT OF BID NO.

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

.....
NB

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Invitation to Tender

Template Identifier	240-114238630	Rev	4
Document Identifier	N/A	Rev	N/A
Effective Date	01 July 2018		
Review Date	February 2022		

- 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.
- 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:

- The facts contained herein are within my own personal knowledge.
- I have satisfied myself that:
 - 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
- The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

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


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

- 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.

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	Invitation to Tender	Template Identifier	240-114238630	Rev	4	
		Document Identifier	N/A	Rev	N/A	
		Effective Date	01 July 2018			
		Review Date	February 2022			

(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)



ANNEXURE G



**LETTER OF ACKNOWLEDGEMENT OF FUNDING REQUIREMENTS
(IF APPLICABLE)**

[•] *(Insert Name of Project)*

[•] *(Insert Invitation to Tender Number)*


ACKNOWLEDGEMENT OF FUNDING REQUIREMENTS

To: Eskom Holdings SOC Ltd

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	Invitation to Tender	Template Identifier	240-114238630	Rev	4	
		Document Identifier	N/A	Rev	N/A	
		Effective Date	01 July 2018			
		Review Date	February 2022			

We confirm having read the contents of the tender documents including the clause on the Employer's funding requirements.

We accordingly support the following funding with our tender (**indicate the selected option with a tick**):

ECA: (YES/NO) _____
(If yes, then complete the Sourcing Profile Matrix set out below)

Own in-house funding (Supplier funding) (YES/NO): _____
(If yes, indicate maximum amounts per currency)

None: (YES/NO):

Sourcing Profile Matrix:

Indicate on the table below the countries wherefrom the goods and services will be sourced and the percentage (%) in relation to total tendered value in South Africa Rand (ZAR).

Sourcing Country	Percentage (%) sourced based on the tendered ZAR value	Tendered Currency Code

(Add additional lines if required)

ANNEXURE H



CONFIRMATION OF RECEIPT OF ADDENDA TO THE ENQUIRY


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

Item	Date Received	Title or Description

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	Invitation to Tender	Template Identifier	240-114238630	Rev	4	
		Document Identifier	N/A	Rev	N/A	
		Effective Date	01 July 2018			
		Review Date	February 2022			

1.		
2.		
3.		
4.		
5.		
6.		

(Attach additional pages if more space is required)

Name and Designation

Signature

ANNEXURE I

SBD 1


**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)			
BID NUMBER:		CLOSING DATE:	
DESCRIPTION			
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).			
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)			
SUPPLIER INFORMATION			
NAME OF BIDDER			

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	Invitation to Tender	Template Identifier	240-114238630	Rev	4	
		Document Identifier	N/A	Rev	N/A	
		Effective Date	01 July 2018			
		Review Date	February 2022			


POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
		TCS PIN:		OR	CSD No:
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]		<input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT <input type="checkbox"/> Yes <input type="checkbox"/> No	
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?					
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX		<input type="checkbox"/> AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) <input type="checkbox"/> A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS) <input type="checkbox"/> A REGISTERED AUDITOR NAME:			
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMEs& QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?		<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED? <input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ANSWER PART B:3 BELOW]	
SIGNATURE OF BIDDER			DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)					
TOTAL NUMBER OF ITEMS OFFERED		TOTAL BID PRICE (ALL INCLUSIVE)			
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:			TECHNICAL INFORMATION MAY BE DIRECTED TO:		
DEPARTMENT/ PUBLIC ENTITY			CONTACT PERSON		
CONTACT PERSON			TELEPHONE NUMBER		
TELEPHONE NUMBER			FACSIMILE NUMBER		
FACSIMILE NUMBER			E-MAIL ADDRESS		
E-MAIL ADDRESS					

PART B TERMS AND CONDITIONS FOR BIDDING

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	Invitation to Tender	Template Identifier	240-114238630	Rev	4
		Document Identifier	N/A	Rev	N/A
		Effective Date	01 July 2018		
		Review Date	February 2022		

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

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


Annexure J

SBD 6.1

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	Invitation to Tender	Template Identifier	240-114238630	Rev	4	
		Document Identifier	N/A	Rev	N/A	
		Effective Date	01 July 2018			
		Review Date	February 2022			

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

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

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	Invitation to Tender	Template Identifier	240-114238630	Rev	4	
		Document Identifier	N/A	Rev	N/A	
		Effective Date	01 July 2018			
		Review Date	February 2022			

- 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;


3. POINTS AWARDED FOR PRICE

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

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	Invitation to Tender	Template Identifier	240-114238630	Rev	4	
		Document Identifier	N/A	Rev	N/A	
		Effective Date	01 July 2018			
		Review Date	February 2022			

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:-

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

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	Invitation to Tender	Template Identifier	240-114238630	Rev	4
		Document Identifier	N/A	Rev	N/A
		Effective Date	01 July 2018		
		Review Date	February 2022		

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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	Invitation to Tender	Template Identifier	240-114238630	Rev	4	
		Document Identifier	N/A	Rev	N/A	
		Effective Date	01 July 2018			
		Review Date	February 2022			

OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

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

8.2 VAT _____ registration number:.....

8.3 Company _____ registration number:.....

8.4 TYPE OF COMPANY/ FIRM

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

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

8.6 COMPANY CLASSIFICATION

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


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

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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	Invitation to Tender	Template Identifier	240-114238630	Rev	4	
		Document Identifier	N/A	Rev	N/A	
		Effective Date	01 July 2018			
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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.

WITNESSES

1.

2.

.....

SIGNATURE(S) OF BIDDERS(S)

DATE:

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