	Invitation to Tender	Document Identifier	240-114238630	Rev	11	
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		Review Date	February 2027			

Invitation to Tender/Request for Proposal

Eskom Holdings SOC Ltd (hereinafter "Eskom") invites you to submit a tender for Supply, Installation and Commissioning of ICP-OES and Particle Sizer Analyser at Kusile 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 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



 Procurement Manager

Matshidiso Kgafane

Date: 09 April 2024

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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/N/A)
6 1	*Acknowledgement form	Annexure A	Y
6 2	*Tenderer's particulars	Annexure B	Y
6 3	*Integrity Declaration Form (refer to www.eskom.co.za for the Supplier Integrity Pact that suppliers are required to download and read)	Annexure C	Y
6 4	CPA Requirements for Local Goods/Services	Annexure D	N
6 5	CPA(IG) for Foreign Goods/Services (if applicable)	Annexure E	N
6 6	SBD 6 2- Declaration Certificate for Local Production and Local Content (only applicable if designated materials are included)	Annexure F1	Not Applicable
	Annexure C-Local Content Declaration-Summary Schedule	Annexure F2	Not Applicable
	Annexure D-Imported Content Declaration – Supporting Schedule to Annexure C	Annexure F3	Not Applicable
	Annexure E-Local Content Declaration-Supporting Schedule to Annexure C	Annexure F4	Not Applicable
6 7	SBD 1 -Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure G	Y
6 8	SBD 6 1- Preference Points Claim Form in terms of PPPFA 2017 regulations	Annexure H	Y
6 9	Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE	Procurement Practitioner to download from Hyperwave	Y
6 10	Supplier Development & Localisation (SDL&I) Undertaking (if applicable)	SDL&I ANNEXURE A	Y
6 11	Reverse e-auction training acknowledgement form (if applicable)	To be uploaded from Sharepoint] https://commercial.eskom.co.za/Pages/Default.aspx	N

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6.12	Reverse e-auction process (if applicable)	[To be uploaded from Sharepoint] https://commercial.eskom.co.za/Pages/Default.aspx	N
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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. The **"Tender Data"** as detailed herein shall take precedence over the **Standard Conditions of Tender** in the event of any ambiguity or inconsistency between the two documents.

Clause Number from Standard Conditions of Tender	Tender Data
1.1 Parties	<p>The Employer is Eskom Holdings SOC Ltd</p> <p>The Eskom Representative is Name: Mapula Chauke Tel. 013 295 9937 E-mail: Molaoam@eskom.co.za</p>
1.3 Enquiry documents	<p>The Invitation to tender number is MPKUS11077GX</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"> An Open Invitation to tender
1.6 Eskom's rights to accept or reject any tender	<p>The tender shall be for the whole of the contract</p>
2.1 Eligible tenders	<p>Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture) complies with the <i>eligibility criteria</i> stated in the Tender Data and the tenderer, or any of his principals, is not under any restriction to do business with Eskom/State Owned Companies.</p> <p>Tenderers are deemed ineligible to submit a tender if,</p> <ul style="list-style-type: none"> Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be deemed to have the nationality of a country if the tenderer is a national or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also apply to the determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services. Tenderers submit more than one tender either individually or as a partner in a joint venture (JV) or consortium

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- [Tenders/proposals] submitted by a JV or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms
- A Tenderer must not have a conflict of interest All Tenderers found to have a conflict of interest shall be disqualified A Tenderer may be considered to have a conflict of interest with one or more parties in this [tendering/RFP] process, if
 - (a)they have a controlling partner/majority shareholder in common, or
 - (b)they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another Tenderer or influence the decisions of the Employer regarding this bidding process
- Tenders signed by non- authorized persons
- Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers)
- A tender that fails to meet any pre-qualifying criteria stipulated in the tender documents is an unacceptable tender (section 4 (2) of PPPFA Regulations
- Any tenderer that is restricted by National Treasury
- A tenderer that sub-contracts 100% Scope of Work.

Ineligible tenderers will be disqualified.

2.2 -2.5 Tender Closing

The deadline for Tender submission is:

Date: 13 May 2024

Time: 10h00

Late Tenders will not be accepted.

Tenders are to be submitted to the Eskom *tender box* at the following physical address:


**Eskom Holdings SOC Limited
 The Tender Advice Centre – Tender box at Main Reception Area
 10 Smuts Avenue,
 Witbank,
 1035**

2.9 Copy of original tender

The tenderer must submit the tender as a complete original tender, plus one (1) **hard copy** of the original tender at tender submission deadline and soft copy (memory stick).

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	Where a Tenderer does not submit 1 hard copy of the original tender at tender submission deadline, the tenderer will be disqualified
2 13 Tender Validity Period	The tender validity period is 120 days from closing of this tender.
2 16 Site/clarification meetings	Non- Compulsory Clarification meeting is applicable. Venue: Microsoft Teams Date: 17 April 2024 Time: 10h00
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 23 Alternative tenders	Alternative tenders are not allowed. If Alternative tender(s) are allowed, it may be based only on the following criteria and subject to acceptance by the <i>Employer</i> <ul style="list-style-type: none"> • A different completion dates • A different payment method • Different technical methods and specifications A different main option and other combinations of secondary option clauses, acceptable to Eskom as the Employer, selected from the NEC
2.25 Conditions of contract	The conditions of contract will be the NEC3 Supply Contract (SC3)
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. The following bonds are required for this enquiry. - Not Applicable
3 4 Opening of tenders	Tenders will be opened at the same date and time as the tender deadline Tenders will be opened on: Place: THE TENDER OFFICE Eskom Holdings SOC Limited The Tender Advice Centre – Tender box at Main Reception Area 10 Smuts Avenue, Witbank, 1035 Date: 13 May 2024 Time: 10h00
3 5 Prices to be read out	Prices will not be read out
3.9 Basic Compliance	Basic compliance for this invitation to tender/ RFP are.

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	<ul style="list-style-type: none"> • Meet the eligibility criteria for a tenderer, • Submit one (1) 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 returnable as at stipulated deadlines • Central Supplier Database (CSD) number (MAA ...)
3 10 Mandatory tender returnable	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 are not applicable
3 12 Designated materials and thresholds	Designated material thresholds not applicable
3 13 Functionality requirements	Functionality requirements are applicable
3 15 Evaluation of price	<p>Prices will be evaluated as follows:</p> <ul style="list-style-type: none"> • Inclusive of VAT • Making the specified correction for arithmetical errors • Excluding contingencies in any bill of quantities or activity schedule. • Making an appropriate adjustment for any other acceptable variations, deviations, or alternative tenders submitted • Making a comparison of the Net Present Value of each adjusted tender based on the tendered programme (if provided) and prices, on the estimated effect of Price Adjustment Factors and rate of exchange fluctuations (if applicable) and on other evaluation parameters relating to uncertainty and risk, where applicable. • Unconditional discounts must be taken into account for evaluation purposes • Conditional discounts must not be taken into account for evaluation purposes but should be implemented when payment is affected <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>

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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> <ul style="list-style-type: none"> • 90/10 (for estimated values above R50M inclusive of VAT) or • 80/20 (for estimated values above R30 000 and up to R50M inclusive of VAT) or <p>state that either 80/20 or 90/10 will apply should there be a degree of uncertainty on which PPPFA Point allocation system will apply; the lowest acceptable tender will be used to determine the applicable preference system</p> <p>Eskom will then add the score from Pricing and 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 are applicable</p> <p>The following objective criteria apply -</p> <p>1. SAFETY REQUIREMENTS</p> <p>Suppliers is required to submit the following with the tender under SAFETY.</p> <p>SAFETY REQUIREMENTS</p> <p>The following are the minimum requirements for tendering and the official safety file should be submitted for contract evaluation. The submitted documentation will be evaluated and outstanding documentation should be re-submitted within (7) seven working days.</p> <ul style="list-style-type: none"> • Annexure B SHE requirement for tender enquiries, • OHS plan, • Costing for Safety Health and Environmental management, • Baseline Risk Assessment (BRA), • Valid Letter of Good Standing; • SHE policy signed by CEO/ MD, and • SHE Competency (Consider scope of work, risks, SHE plan and applicability) CV,s and qualifications / certificates <p>Upon contract awarding, the successful contractor should submit a safety file within 2 weeks prior the commencement of activities on site The safety file will be as per the issued SHE specification</p> <p>2. QUALITY REQUIREMENTS</p> <p>QUALITY REQUIREMENTS</p> <p>The contractor to submit the following Quality requirements</p>

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- 240-105658000 Supplier QM Spec Rev 3-QM 58 pdf
- 240-109253302 _ Quality Control Plan or Inspection Test Plan (QCP or ITP) rev 2 docx
- 240-68099512 Form A _Cat 3_Rev 9 docx
- 240-109253698 CQP Template- Rev 3

Category 3

Objective evidence of documented QMS that is not certified but complies with ISO 9001

Section A

- A 1 QMS Manual
- A 2 Quality Policy Approved by top management.
- A 3 Quality Objectives Approved by top management
- A 4 Control of documented information
- A 5 Documented information for Control of nonconforming outputs
- A 6 Documented information for Nonconformity and Corrective action
- A 7 Documented information for Internal audit

Evidence of QMS in operation (Tender Quality Requirements -Ref 240-105658000)

Section B

B 1 Documented information for defined roles, responsibilities and authorities

B 2 Documented information for Control of Externally Provided Processes, Products and Services

Section C

Draft Contract Quality Plan specific to the scope of work as described in the tender documents

Section D

QCP /Checklist/ ITP (Quality Control Plans) as per Scope of Works

Section E


E 1 Form A is completed and signed

ENVIRONMENTAL REQUIREMENTS

- Environmental Policy
- Aspect and impact register or an environmental management plan (relevant to the scope of work)
- Environmental Management System Certificate (if certified) if not, an environmental management system manual or procedures

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- Waste Management Plan
- Proof of training of persons performing activities that could have significant impact on the environment

FINANCIAL REQUIREMENTS

Supplier is required to submit the following under Financial Requirements

Financial Statements of the *tenderer* for a period of not more than 18 months

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

SD&L REQUIREMENTS

See APPENDIX A on page 12 - 18 of this invitation to tender

Please note: -

- “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.
- Functionality and any element of the B-BBEE scorecard may not be used as objective criteria.

3 20 Reverse e-auction (if applicable)

Reverse e-auction is not applicable.

Contractual Requirements (if applicable)

Contractual Requirements may include the following


- SHEQ requirements, and/or
- Financial statements, and/or
- SDL&I requirements
- Commercial returnable for contract award

Please Note:

Contractual requirements are not evaluation criteria. They are required to be met and assessed after the evaluation and ranking of

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

B-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

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


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

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

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

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Section 3: SDL&I Objectives in line with Reconstruction and Development Programme (RDP) Goals

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

1. Transformation – BBEE Improvement or Retention Plan

Transformation remains an area of focus, where Eskom continuously strives to align itself with national transformation imperatives to unlock growth, drive industrialization, create employment and contribute to skills development

Eskom encourages its suppliers to constantly strive to improve their B-BBEE rating Whereas Tenderer/s will be allocated points in terms of a preference point system based on specific goals, Eskom also requests that tenderer/s submits their B-BBEE improvement or retention plan within 30 days of signing the contract

Tenderer/s are therefore requested to indicate the extent to which they will maintain (only if the respondent is a Level 1) or may improve/maintain their B-BBEE status over the contract period if their B-BBEE status is level 2 or 3 Tenderer/s with a B-BBEE status level 4 at the time of contract award, shall migrate and achieve as a non-negotiable a milestone of B-BBEE Level 3 by the end of the first year of the contract and thereafter improve their B-BBEE status level or migrate by one level higher

Tenderer/s with a B-BBEE recognition status of Level 5 to Level 8 or non-compliant at the time of contract award, shall migrate and achieve as a non-negotiable a milestone of Level 4 by the end of the first year of the contract and thereafter improve at least one B-BBEE Level higher of each year from the second year of the contract

Tenderer/s are requested to submit their B-BBEE Improvement Plan as an essential document within 30 days of signing the contract

NB: A valid B-BBEE certificate or Sworn Affidavit is a condition for contract award, if your company's annual Total Revenue is R10 Million or less you qualify as an Exempted Micro Enterprise therefore you can submit Sworn Affidavit If your annual Total Revenue is R50 Million or less, you qualify as Qualifying Small Enterprise and must comply with all of the elements of QSE score card relevant to your sector unless an entity is at least 51% Black owned you are required to obtain a Sworn affidavit If your Annual Total Revenue is above R50m you need to submit a Valid B-BBEE certificate

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2. Local Procurement Content

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

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

Local Procurement Content	Eskom target	Tenderer Proposal
	100%	

3. Procurement spend on entities with a minimum 51% black ownership

The winning tenderer is encouraged to procure/spend on designated groups on the following paid invoices for both:


- the indirect expenses (e.g. overheads) on goods and services supplied to the contractor/supplier by designated groups, and
- direct spend on goods and services supplied by the subcontractors for the execution of the scope of work.

Activities, as a proportion of the local procurement content, which may be subcontracted to designated black owned enterprises must be submitted in a table below.

Procurement from Designated Group	Eskom Target	Tenderer Proposal
Black Owned	4.0%	
Black Women Owned	3.0%	
Black Youth Owned	2.0%	
Black Persons with Disability	1.0%	

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

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

5. **Skills development**

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


Skill type / Occupation	Eskom target	Proposed Number of Candidates
Technician (internal)	1	

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

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

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as well as South African Revenue Services for tax rebates that are earmarked for skills development initiatives

Section 4: SDL&I Penalty and Performance Security

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

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

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

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


Section 5: Reporting and Monitoring

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

Section 6: Market Research

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The following information demonstrates market analysis and assisted in arriving at the targets above.	
Current Suppliers Providing the Services	Potential Suppliers
<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> Open Market


Section 7: General Information on Validity of Sworn Affidavits

The following must be considered when it comes to validity of Affidavits;
<p>Tenderers submitting B-BBEE Sworn Affidavits must ensure that the affidavits meet the following key pointers to ensure their validity:</p> <ul style="list-style-type: none"> 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.

1.3 TENDER RETURNABLES

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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 closing
Basic Compliance	One (1) hard copy of the tender HARD COPIES – 1 ORIGINAL AND 1 EXACT COPY OF THE TENDER AND SOFT COPY (MEMORY STICK/USB) Failure to provide the necessary copies by the deadline for tender submission will immediately render their tender nonresponsive and will be disqualified from further evaluation. Tenderers will not be permitted to provide the required copies after the deadline for tender submission have passed, and Eskom will not be responsible for the making of copies for the purposes of evaluation.	✓	
Pre-qualification criteria : <ul style="list-style-type: none"> • B-BBEE levels/EME/QSE • Sub-contracting to designated groups Please Note that : "proof of B-BBEE status level of contributor" means- (a) the B-BBEE status level certificate issued by an authorised body or person; or (b) a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; or (c) any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act.	"Proof of B-BBEE status level of contributor" for main contractor		✓
	CSD number/ CSD report	✓	
	Signed Sub-contracting intent agreement	N/A	N/A
	"Proof of B- BBEE status level of contributor" for sub-contractor belonging to designated group	N/A	N/A
	Any other supporting documents to verify the status of the main contractor or sub-contractor(as may be stipulated in 3.11)	N/A	N/A

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If “proof of B-BBEE status level of contributor” is required for pre-qualification purposes in terms of PPPFA regulations, and is either not submitted by tender submission deadline or deemed invalid; , the respective tenderer must be disqualified			
Annexure A	Acknowledgement Form	✓	
Annexure B	Tenderers Particulars	✓	
Annexure C	Integrity Pact Declaration form	✓	
Annexure D	CPA for local goods/services (if applicable)	N/A	N/A
Annexure E	CPA(IG) for imported goods/services (if applicable)	N/A	N/A
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]	N/A	N/A
Annexure G (applicable for all suppliers including Foreign suppliers)	SBD 1- to be submitted by all tenderers		✓
Annexure H	SBD 6 1- Preference Points Claim Form in terms of PPPFA 2017 regulations	✓	
Supplier Development & Localisation (SD&L) Undertaking (if applicable)			✓
Reverse e-auction training acknowledgement form (if applicable)		N/A	N/A
Additional Documents required in event of JV: -	Letter of intent to form a JV/consortium	N/A	N/A
	Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios	N/A	N/A

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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)		
	<p>“Proof of B-BBEE status level of contributor” means -</p> <p>(a) the B-BBEE status level certificate issued by an authorized body or person, or</p> <p>(b) a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice, or</p> <p>(c) any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act</p> <p>(as may be applicable for the particular tendering entity)</p>	N/A	N/A
	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	N/A	N/A
<p>*“proof of B-BBEE status level of contributor” means:-</p> <p>(a) the B-BBEE status level certificate issued by an authorised body or person; or</p> <p>(b) a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; or</p> <p>(c) any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act;</p>	Failure on the part of the supplier to submit “proof of B-BBEE status level of contributor” for purposes of evaluation and scoring by the tender closing will not result in disqualification (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects and it is not a pre-qualification criterion). The tenderer will, however, be scored zero on B-BBEE for purposes of PPPFA scoring and ranking	N/A	N/A
Tax Clearance Certificates	<p>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)</p> <p>Foreign suppliers with no footprint in South Africa, must still complete the SBD1</p>		✓

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	document, however no proof of tax compliance is required.		
Tax Evaluation Questionnaire (if services contract and was included as annexure)	<i>Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE]</i>		✓
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)		✓
CIDB (where applicable)	Valid proof of the required cidb grading designation for the main contractor, JV and /or sub-contractor as may be required in the tender data at tender closing deadline or within 21 working days from the closing date of submission of tenders if this is agreed with the Employer	N/A	N/A
Shareholding	Shareholding organogram and detailed breakdown (for each individual company/JV member) clearly identifying percentages owned by individual shareholders (full names & ID Numbers) and other entities (provide full legal/trading name and respective identifying registration/trust numbers)		✓
NEC/FIDIC Documentation	Completed NEC pricing schedule	✓	
Additional documents required (ECSA/ SACPCMP/CVs/ permits/licenses/ specific registration documents (if applicable to scope of work)	N/A	N/A	N/A
DOCUMENTS REQUIRED UNDER CONTRACT REQUIREMENTS			
Safety	SAFETY REQUIREMENTS		✓

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Supplier is required to submit the following with the tender

Section 1: Specific Goals

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


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

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

- Valid B-BBEE certificate issued by a SANAS accredited verification agency / sworn affidavit / CIPS affidavit
- Proof of ownership / shareholding (preferably CIPC documentation) inclusive of shareholding breakdown

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- Certified ID copies of shareholder(s)
- Proof of Disability (where applicable)

Tenderer failing to provide documentation for the allocation of preference points will not be disqualified.

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

Section 2: Objective Criteria

The inclusion of objective criteria is not mandatory but a condition for contract award. If the tenderer does not meet objective criteria, it may lead to the second-ranked tenderer being recommended for award.

Mandatory Local Content Designation for Contract Award

2.1 Designated Sectors

When applicable the following stipulated minimum threshold for Local Production and Content must be achieved in full by the tenderer

a) Is this Commodity or part of it a Designated Sector?	YES	NO
	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Please indicate below Designated Components

Commodity	Components	Local Content Threshold
N/A		


NOTE SBD 6.2 Declaration Form and Annex C (Local Content Declaration-Summary Schedule) are therefore **mandatory** and must be tender returnables if applicable

2.2 CIDB Skills Development

Continuation of Mandatory Requirements	
<input type="checkbox"/>	<input type="checkbox"/>

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a) Is there CIDB compulsory training?

If Yes, what is the % of the Construction Skills Development Goal % (CSDG)

<input type="checkbox"/>	<input checked="" type="checkbox"/>
Not Applicable	

If the answer above is Yes, it will then be mandatory for the supplier to match Eskom's targets

Criteria	Eskom Target	Tenderer Commitment
CSDG Percentage	N/A	
Description		

NOTE Failure by the Contractor/Service Provider/Supplier to meet the CIDB CSDG mandatory % will render their tender non-responsive

Section 3: SDL&I Objectives in line with Reconstruction and Development Programme (RDP) Goals

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

1 BBEE requirements: Suppliers are required at a minimum maintain their BBEE status throughout the contract period

2. Local Procurement Content

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

Tenderers are required to submit their proposals in the table below


Local Procurement Content	Eskom target	Tenderer Proposal
	100%	

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

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

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4. Skills development

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

Skill type / Occupation	Eskom target	Proposed Number of Candidates
Process Controller	2	

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

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

Section 3: SDL&I Penalty and Performance Security

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

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

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

Section 4: Reporting and Monitoring

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

Section 5: Market Research

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

Current Suppliers Providing the Services

- Sole Source

Section 6: General Information on Validity of Sworn Affidavits


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

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

- Name/s of deponent as they appear in the identity document and the identity number.
- Designation of the deponent as the **director, owner or member** must be indicated in order to know that person is duly authorised to depose of an affidavit. **(Mark the applicable option).**
- Name of enterprise as per enterprise registration documents issued by the CIPC, where applicable, and enterprise business address.
- Percentage of black ownership, black female ownership and designated group. In the case of specialised enterprises as per Statement 004, the percentage of black beneficiaries must be reflected. **(No blank spaces to be left).**
- Indicate total revenue for the year under review and whether it is based on **audited financial statements or management account (Mark the applicable option).**
- Financial year end as per the **enterprise's registration documents**, which was used to determine the total revenue. **(Financial year end to be stipulated by day/month/year).**
- B-BBEE Status level. An enterprise can only have one status level. **(Tick applicable level)**
- Empowering supplier status must be indicated. For QSEs, the deponent must select the basis for the empowering supplier status
- Date deponent signed and date of Commissioner of Oath must be the same. **(The sworn affidavit must be signed in the presence of the Commissioner of Oath. Furthermore, the Commissioner must also sign and stamp)**

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DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHINICAL CRITERIA

FUNCTIONALITY REQUIREMENTS/ TECHNICAL EVALUATION CRITERIA

Table 1: Mandatory Technical Evaluation Criteria

	Mandatory Technical Criteria Description	Reference to Technical Specification / Tender Returnable	Motivation for use of Criteria
1	ISO 9001 2015 certification	X	Proof of OEM's certification in accordance with ISO 9001 standard

Table 2: Qualitative Technical Evaluation Criteria


Notes to tenderer

Where no information is offered by the Tenderer no points shall be scored

No	Qualitative Technical Criteria Description		Criteria Weighting (%)	Criteria Sub Weighting (%)			Total
				0%	50%	100%	
1	Qualified Engineer/Chemist/Chemical Technician as a key person on the contract (CV and copies of qualifications) with 3 years' experience related to supply, installation and commissioning	CV and Qualifications Indicating Experience	20%	Less or equal to 1 Year (≤ 1 year) No Qualifications provided	Greater than 1 year but less than 3 Years (1 < years < 3) Qualifications provided	Greater or equal to 3 years (≥ 3 years) Qualifications provided	
2	The Contractor must provide three references of companies where the instruments were sold and commissioned	The Service Provider must provide a Min of 3(three) References/Contract Numbers /Testimonial letter of similar scope done previously	20%	0 Reference Letters/Contract Numbers	2 Reference Letter/Contract Number	3 Reference Letters/Contract Numbers	
3	Provide technical data sheets for all the instruments which support the Technical specification on SOW for each equipment	Technical data sheets	10%	Zero/incomplete data sheets provided		All data sheets provided comply with specifications on SOW	

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4	Equipment References	Provide equipment installation and commissioning method statement of the proposed instrument, 10 years commitment letter of after-sales support (spares availability, maintenance, and preventive maintenance)	10%		Only equipment installation and commissioning method statement provided	Equipment references provided including commitment letter	
5	Provide performance report for each instrument	This should indicate the standards used, test method, sample handling, accuracy, reproducibility, sensitivity, stability, life cycle of the instrument, internal data logger availability, reagent consumption	10%	No performance report provided		Performance report provided for all instruments	
6	Training Requirements	After installation and commissioning, Supplier/contractor must provide theory and practical training to employer's technical staff on the equipment and systems Training must be strictly directly applicable to the equipment supplied	20%	No course material provided		Course material available and training documentation provided for each trainee	
7	Supply and delivery lead-time	Delivery turnaround time is 8 weeks	10%	Delivery after 9 weeks	Delivery in 9 weeks	Delivery within 8 weeks	

ANNEXURE A

ACKNOWLEDGEMENT FORM

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


1 _____

2 _____

3 _____

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

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

Or: Incorrect or incomplete for the following reasons:

Cataloguing Acknowledgement:

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

- 1 We agree to provide the cataloguing information as described in the *tender submission*.
- 2 We have already supplied Eskom with the cataloguing information pertaining to this enquiry in a previous contract/order [*insert previous invitation to tender 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 _____

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	

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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)	

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	

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

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

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A. Single tenderers

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

Signature _____

Designation _____

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

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

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

- 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

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

2. DECLARATION OF FAIR TENDERING PRACTICES

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

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

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

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

Item	Question	Yes/No	No
------	----------	--------	----

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11	<p>Is the tenderer/s (or any of its directors/members/shareholders) listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector</p> <p>[Note: Companies/persons who are listed on the Database were informed in writing of this restriction by the Authority/Accounting Officer of the institution that imposed the restriction after the audi alteram partem rule was applied].</p> <p>The Database of Restricted Suppliers can be accessed on the National Treasury's website (www.treasury.gov.za)</p>		
12	<p>Is the tenderer/s (or any of its directors / members / shareholders)? listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004)</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za)</p>		
13	<p>Was the tenderer/s (or any of its directors/members/shareholders) convicted by a court of law (including a court outside South Africa) for fraud and/or corruption with respect to the procurement/tendering processes/procedures during the past five years?</p>		
131	<p>Provide details.</p>		
14	<p>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</p>		
15	<p>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?</p>		

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)

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

Signature:	
Designation and capacity in which signing:	
Date:	

Joint Ventures

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

ANNEXURE D

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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

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

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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
 - 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

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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 _____

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

Labour	Commodities	Processed material	Transport	Others
Labour general (hourly paid) SEIFSA, C3, actual labour cost	Steel StatsSA, P0142 1 Table 2, basic iron and steel	Mechanical engineering material SEIFSA, G, mechanical engineering material	SEIFSA, L2, road freight costs	StasSA, PO141 CPI (Headline) all items OR SEIFSA, D-2 (CPI)
	Copper SEIFSA, F, copper metric ton	Electrical engineering material SEIFSA, G-1, electrical engineering material		
Labour general SEIFSA, C3 (a), actual labour	Aluminium SEIFSA, R, aluminium			StasSA, PO142 1), PPI

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cost (field force) where subsistence allowance is paid	Zinc SEIFSA, F, zinc	Building and construction material SEIFSA, G, building and construction material		<ul style="list-style-type: none"> • Final Manufactured Goods Or • Intermediate Manufactured Goods OR • SEIFSA Table U Producer Price Index (PPI - final manufactured GOODS OR Intermediate Manufactured Goods
	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 index	National Statistical Institute, Country-specific CPI (Headline)
	LME, Copper	National Statistical Institute, Country-specific electrical engineering material		National Statistical Institute, Country-specific PPI
	LME, aluminium			

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	LME, zinc	National Statistical Institute, Country-specific building and construction material		
	LME, lead			

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

ANNEXURE E

CPA (IG) REQUIREMENTS FOR FOREIGN GOODS AND SERVICES

CONTRACT PRICE ADJUSTMENT AND FOREX PAYMENTS – IMPORTATION

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


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

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

PART 1: PAYMENT OF FOREIGN COMMITMENTS

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

Payment Method 1A:

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

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

Payment Method 1B.

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

Please note

- The contracting party must be the direct importer
- For payment purposes, Eskom will require both the foreign (commercial) invoice and the local tax invoice
- The foreign currency values on both the commercial and local invoice must be the same Eskom will not pay any profit in foreign currency
- Service-related payments are excluded from this option;

Applicable(Y/N) or

Payment Method 2:

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

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quoted by the tenderer This entails a simultaneous exercise of the verification of the exchange rates to be used

Applicable (Y/N)

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

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

PART 2: EXCHANGE RATES

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

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


PART 3: ADJUSTMENT OF IMPORTATION COSTS, ETC

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

	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	

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

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

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

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

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

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

4 1 MANUFACTURING CPA METHOD (LABOUR AND MATERIAL)

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

4 2 EXPATRIATE LABOUR METHOD

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

4 3 OTHER VALUES METHOD (e.g Engineering fees, design fees, barging, inland transportation, etc)

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

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

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

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

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

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- 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:**

<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?

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(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	..
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

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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
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: _____

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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)



Adobe Acrobat Document

Adobe Acrobat Document

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



Adobe Acrobat Document

ANNEXURE G


SBD 1

**PART A
INVITATION TO BID**

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

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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

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.

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- 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

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3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS


- 3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? YES NO
- 3.2 DOES THE BIDDER HAVE A BRANCH IN THE RSA? YES NO
- 3.3 DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? YES NO
- 3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? YES NO

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

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

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Annexure H

SBD 6.1

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

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


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

1. GENERAL CONDITIONS

- 1.1 The following preference point systems are applicable to all bids
- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included), and
 - 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

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- (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.
- 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

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Broad-Based Black Economic Empowerment Act,

- (i) “**rand value**” means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes,

3. POINTS AWARDED FOR PRICE

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

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

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

Where

- Ps = Points scored for price of bid under consideration
 Pt = Price of bid under consideration
 Pmin = 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

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8	1	2
Non-compliant contributor	0	0

5. BID DECLARATION

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

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

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

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
	√	√

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Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8 1 Name of company/firm:

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

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- Manufacturer
- Supplier
- Professional service provider
- Other service providers, e.g. transporter, etc

[TICK APPLICABLE BOX]


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


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

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

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	Labour Taxation Questionnaire	Allocation Centre:	
		Rev	Page 1 of 2


CONTRACTORS' PAYE EVALUATION QUESTIONNAIRE – APPENDIX H

Please answer the questions by marking the appropriate column with an "X".
Please do not leave out any question relating to your specific circumstances


Vendor Name:		Vendor no:	
Registration no: (ID, Company or CC no, Trust no)		VAT registration number:	PAYE registration number:
Question		Yes	No
1	Would your entity receive payment for providing Eskom with "people" or a "person" (thus labour)?		
2	If the answer to question 1 is "Yes" Are you a labour broker?		
3	If you are a labour broker, have you supplied or can you supply Eskom with a valid, original or certified copy of an IRP30 for the current tax year, within 30 days?		
4	Would you render the services to Eskom through a Company, Close Corporation or Trust?		
5	Are any of the services provided to Eskom, through your entity, provided personally by any connected person (shareholders, members, beneficiaries, any relative) of the entity?		
6	Do you employ four or more full-time employees (other than shareholders, members, beneficiaries, any relative)?		

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7	Would you, the Company, Close Corporation or Trust receive any form of training supplied or paid for by Eskom? If "yes", please specify the nature and extent of training		
8	Would you, the Company, Close Corporation or Trust be free to choose which tools or equipment, staff, raw materials, routines, patents and technology to use, in performing your main duties?		
9	In order to perform your main duties, would you, or would such a person, Company, Close Corporation or Trust, use any tools or equipment supplied or paid for by Eskom? If "yes", please state the nature thereof		
10	Would the Company, Close Corporation or Trust, during its financial year, receive or anticipate to receive, more than 80% of it's income from services relating to Eskom?		

	Labour Taxation Questionnaire	1.1 Allocation Centre			
		1.1.1			
		1.1.1.1	Re v	1 1 1 2	Pa ge 2 of 2

	Question	Yes	No
11	Does Eskom control or prescribe your, the Company, Close Corporation or Trust's hours of work? (not allowable hours but the hours that you should work)		
12	Are you, the Company, Close Corporation or Trust controlled and supervised in any way by Eskom? If "yes", state the nature		
13	Would your contract contain any elements of an employment contract? (i.e. Job titles, reporting structure in organisation, fixed working hours, employment benefits, performance bonuses (excluding bonus and penalties for early or late delivery))		

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14	Would your contract contain any clause that will enable you to receive payment, even if no work was done?		
15	Have you ever been classified as a labour broker or personal services company (including Close Corporation and Trust) by SARS or any other client?		
16	If the answer to question 15 is "yes", did anything change that no longer classifies you as a labour broker or personal services company? If "yes", elaborate		

PARTICULARS OF PERSON ACTING AS REPRESENTATIVE OF THE ENTERPRISE

I, the undersigned, confirm that the information provided above is accurate, and that while in receipt of payment from Eskom, will inform Eskom of any changes that take place pertaining the information provided above

Representative's Full Names	Capacity	Contact number:
Signature		Date:

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