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|  | <b>Invitation to Tender</b> | <b>Document Identifier</b> | 240-114238630 | <b>Rev</b> | 16 |  |
|   |                             | <b>Effective Date</b>      | February 2023 |            |    |  |
|   |                             | <b>Review Date</b>         | February 2028 |            |    |  |

**ESKOM HOLDINGS SOC LTD**

**INVITATION TO TENDER**

**FOR**


**THE PROVISION OF A SPECIALISED CYBERSECURITY CONSULTING SERVICES TO TRANSMISSION ON AN AS AND WHEN REQUIRED BASIS FOR A PERIOD OF THREE (3) YEARS.**

|  |  |
|--|--|
| <b>Tender number</b>   | <b>MWP2499TX</b>   |
| <b>Issue date</b>  | <b>09 April 2024</b>   |
| <b>Closing date and time</b>   | <b>08 May 2024 at 10h00 am</b>   |
| <b>Tender validity period</b>  | <b>150 days from the closing date and time</b>   |
| <b>Clarification meeting</b>   | <b>Date: 23 April 2024</b><br><b>Time: 11h00 am</b><br><b>Venue: MS Teams</b><br>Please note that the tender clarification meeting is not compulsory therefore the tenderers that will not be able to attend the clarification meeting may still tender. |
| <b>Tenders are to be delivered to the following address on the stipulated closing date and time:</b> | <b>Eskom Holdings SOC Limited</b><br><b>Eskom Megawatt Park Tender Office, Northside</b><br><b>No. 01 Maxwell Drive</b><br><b>Sunninghill, Gauteng</b>   |

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## Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a tender for **the provision of a specialised cybersecurity consulting services to Transmission on an as and when required basis for a period of three (3) years**. The enquiry documents are supplied to you Free of charge.

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

1. 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](http://www.eskom.co.za)). The documents can be downloaded from the following: <http://tenderbulletin.eskom.co.za/> [www.etenders.gov.za](http://www.etenders.gov.za)

Tenderers must refrain from communicating issues related to this tender with any person within the Eskom environment other than the Eskom Representative named in the ITT during the tender process. Tenderers must not in any way contact any Eskom employee who is involved in the tender during the tender process, either telephonically, by email or through private appointments before and after submitting tenders. Eskom employees not involved in this tender are not allowed to contact employees involved in this tender or provide information about the tender to potential tenderers.

Where a potential tenderer or a tenderer has any question or query on the contents of the tender or any issue related to the tender, the first point of contact is the Eskom Representative whose name and contact details are stated in the tender document.


Should the tenderer not be satisfied with a response from the Eskom Representative stated in the tender document, and would like to escalate, the tenderer may refer the issue with to the Procurement Manager identified in the letter of invitation through the buyer. Should the tenderer still be dissatisfied, it can then escalate the matter to the Middle Manager or Senior Manager Procurement.

Escalation of tender issues to the Group Executives or Group Chief Executive Officer is an avenue of last resort and tenderers should refrain from escalating tender issues to this level without following the escalation process set out above. Escalation not following the above process is not acceptable and will not be attended to.

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

Yours faithfully



Procurement Manager


Jabu Nkgapele

Date: 2024-04-09

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## Contents

### Invitation to tender

- Standard Conditions of Tender (to be accessed via [www.eskom.co.za](http://www.eskom.co.za)).
- Tender Data
- Commercial Tender returnables

### Evaluation process and criteria

- Basic compliance;
- Functionality (Technical);
- Price and Preference scoring (80/20 preference point system will apply);
- Objective criteria and;
- Contractual Requirements prior to Contract Award.

### Condition of contract

- Refer to the attached NEC3 Professional Service Contract (PSC3).

### Scope of work

- Refer to the attached NEC3 Professional Service Contract (PSC3).

### Pricing Schedule

Refer to the Pricing schedule attached (Annexure K).

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1.1 The following documents listed hereunder are attached to this enquiry.

| Number | Description   | Annexure/to be downloaded and attached                               | Attached (Y/N/ N/A) |
|--------|---|--|---------------------|
| 1.1.1  | *Acknowledgement form   | Annexure A   | Y                   |
| 1.1.2  | *Tenderer's particulars   | Annexure B   | Y                   |
| 1.1.3  | *Integrity Declaration Form (refer to <a href="http://www.eskom.co.za">www.eskom.co.za</a> for the Supplier Integrity Pact that suppliers are required to download and read)  | Annexure C   | Y                   |
| 1.1.4  | *CPA Requirements for Local Goods/Services  | Annexure D   | Y                   |
| 1.1.5  | *CPA(IG) for Foreign Goods/Services (if applicable)   | Annexure E   | Y                   |
| 1.1.6  | SBD 6.2- Declaration Certificate for Local Production and Local Content (only applicable if designated materials are included).<br><br>Annexure C-Local Content Declaration-Summary Schedule<br><br>Annexure D-Imported Content Declaration – Supporting Schedule to Annexure C<br><br>Annexure E-Local Content Declaration-Supporting Schedule to Annexure C | Annexure F1<br><br>Annexure F2<br><br>Annexure F3<br><br>Annexure F4 | N/A                 |
| 1.1.7  | *SBD 1 -Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline   | Annexure G   | Y                   |
| 1.1.8  | *SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations   | Annexure H   | Y                   |
| 1.1.9  | *SBD 4 – Bidders Disclosure   | Annexure I   | Y                   |
| 1.1.10 | Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE  | Attached seperately  | Y                   |
| 1.1.11 | Authority to Submit a Tender  | Annexure J   | Y                   |
| 1.1.12 | NEC3 Professional Service Contract (PSC)  | Attached separately  | Y                   |

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|        |   |                                   |   |
|--------|---|-----------------------------------|---|
| 1.1.13 | Pricing Schedule  | Annexure K (Attached seperately). | Y |
| 1.1.14 | Employment Equity confirmation  | Attached                          | Y |
| 1.1.15 | Supplier Development Localisation & Industrialisation (SDL&I) Undertaking | Attached                          | Y |

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1.2 The Tender Data makes several references to the **Eskom Standard Conditions of Tender** and in those instances, the clause numbers are referenced hereunder. If the **Eskom Standard Conditions of Tender** is not attached to the **Invitation to Tender**; then the tenderers are required to download this from [www.eskom.co.za](http://www.eskom.co.za). The "**Tender Data**" as detailed herein shall take precedence over the **Standard Conditions of Tender** in the event of any ambiguity or inconsistency between the two documents.

| Clause Number from Standard Conditions of Tender  | Tender Data   |
|---|---|
| 1.1 Parties                                       | <p>The <i>Employer</i> is <b>Eskom Holdings SOC Ltd</b></p> <p>The Eskom <i>Representative</i> is:<br/> Name: Refilwe Molapo<br/> Tel: 017 615 2168<br/> E-mail: MolapoRL@eskom.co.za</p>   |
| 1.3 Enquiry documents                             | <p>The Invitation to tender number is: <b>MWP2499TX</b></p> <p>See the content list above for the enquiry documents.</p>  |
| 1.4 Type of Invitation to Tender                  | <p>This invitation to tender is:</p> <p>2. An open Invitation to tender</p>   |
| 1.6 Eskom's rights to accept or reject any tender | <p>The tender shall be for the whole of the contract.</p>   |
| 2.1 Eligible tenders                              | <p>Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture) complies with the <i>eligibility criteria</i> stated in the Tender Data and the tenderer, or any of his principals, is not under any restriction to do business with Eskom/State Owned Companies.</p> <p>Tenderers are deemed <b>ineligible</b> to submit a <b>tender</b> if:</p> <ol style="list-style-type: none"> <li>1. Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be deemed to have the nationality of a country if the tenderer is a national or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also apply to the determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services.</li> <li>2. Tenderers submit more than one tender either individually or as a partner in a joint venture (JV) or consortium.</li> <li>3. Tenders submitted by a JV or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms.</li> </ol> |

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|                                    |  |
|------------------------------------|--|
|                                    | <p>4. A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. A Tenderer may be considered to have a conflict of interest with one or more parties in this [tendering] process, if:</p> <ol style="list-style-type: none"> <li>1. (a) they have a controlling partner/majority shareholder in common; or</li> <li>2. (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;</li> </ol> <p>5. Tenders signed by non- authorized persons.<br/> 6. Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers)<br/> 7. Any tenderer that is restricted by National Treasury.<br/> 8. Any tenderer on the Tender Defaulters list.<br/> 9. A tenderer that sub-contracts 100% Scope of Work.</p> <p style="text-align: center;"><b>Ineligible tenderers will be disqualified.</b></p> |
| <p>2.2 -2.5 Tender Closing</p>     | <p>The deadline for <b>Tender</b> submission is: <b>MWP2499TX</b></p> <p>Date: <b>08 May 2024</b><br/> Time: <b>10H00 am</b></p> <p><b>Late Tenders will not be accepted</b></p> <p>Tenders are to be submitted to the Eskom <i>tender box</i> at the following physical address:</p> <p><b>THE TENDER OFFICE</b><br/> <b>Eskom Holdings SOC Limited</b><br/> <b>Eskom Megawatt Park Tender Office, Northside</b><br/> <b>No. 01 Maxwell Drive</b><br/> <b>Sunninghill, Gauteng</b></p>  |
| <p>2.9 Copy of original tender</p> | <ul style="list-style-type: none"> <li>• 1 x complete original tender (in hard copy format), marked "ORIGINAL", plus</li> <li>• 1 x complete identical copy of the original tender (in hard copy format), marked "COPY" plus</li> <li>• 1 x complete identical copy of the original tender in electronic format (Memory stick/flash disk) at tender submission deadline</li> <li>• Failure on the part of the supplier to submit in electronic format for purposes of evaluation by the tender closing will not result in disqualification.</li> </ul>   |

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|--|--|
|  | <p><b>N.B: Where a Tenderer does not submit 1 hard copy of the original tender at tender submission deadline, the tenderer will be disqualified.</b></p>   |
| 2.13 Tender Validity Period                | <p>The tender validity period is <b>150</b> days.</p> <p><b>NB:</b><br/>While a hundred and fifty (150) days tender validity period has been provided from the tender closing date, the evaluation and adjudication process may take up to nine (9) months.</p> <p>Should the evaluation extend beyond the hundred and fifty (150) days, Tenderers will be requested to extend their validity beyond the hundred and fifty (150) days</p>                                  |
| 2.16 Site/clarification meetings           | <p>A <b>clarification meeting</b> with representatives of the <i>Employer</i> will take place as follows:</p> <p><b>Clarification meeting:</b></p> <p><b>Date: 23 April 2024</b><br/><b>Time: 11h00 am</b><br/><b>Venue: MS Teams</b></p> <p>Please note that the tender clarification meeting is not compulsory therefore the tenderers that will not be able to attend the clarification meeting may still tender.</p>   |
| 2.17 Clarification on enquiry documents    | <p>The tenderer will notify the <i>Employer</i> of any clarifications required before the closing time for clarification queries, which is <b>[5]</b> working days before the deadline for tender submission.</p>  |
| 2.23 Alternative tenders                   | <p>Alternative tenders are <b>not allowed</b>.</p>   |
| 2.31 Provision of security for performance | <p>Not Applicable.</p>   |
| 3.4 Opening of tenders                     | <p>Tenders will be opened at the same date and time as the tender deadline.</p>  |
| 3.5 Prices to be read out                  | <p>Prices will <b>not be read out</b>.</p>   |
| 3.9 Basic Compliance                       | <p>Basic compliance for this invitation to tender are:</p> <ol style="list-style-type: none"> <li>1. Meet the eligibility criteria for a tenderer.</li> <li>2. Submit one original tender and one (1) complete hard copy of the original tender to Eskom.</li> <li>3. Submit a complete original tender with commercial, financial and technical information.</li> <li>4. Submission of the mandatory commercial tender returnables as at stipulated deadlines.</li> </ol> |

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|                                   | <b>5. Central Supplier Database (CSD) number (MAA.....).</b>   |                    |             |                    |         |     |  |  |  |     |             |                    |         |     |   |  |  |
|-----------------------------------|--|--------------------|-------------|--------------------|---------|-----|--|--|--|-----|-------------|--------------------|---------|-----|---|--|--|
| 3.10 Mandatory tender returnables | A tenderer that does not submit mandatory documents/information 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.  |                    |             |                    |         |     |  |  |  |     |             |                    |         |     |   |  |  |
| 3.13 Functionality requirements   | <p>Functionality requirements <b>are applicable</b>.</p> <p>The following criteria will be applicable for this transaction under functionality criteria:</p> <p><b>1. Tender Assessment:</b></p> <p>A bid response must meet all mandatory requirements, as detailed under section 2 below. Any tenderer who fails to satisfactorily meet one or mandatory requirement, will be disqualified and will not be eligible for the awarding of this contract.</p> <p>A bid response must achieve a total score of at least 80% for sections 3 to 9 (combined), as per the scoring methodology detailed in this assessment document. Any tenderer who fails to achieve a score of at least 80%, will be disqualified and will not be eligible for the awarding of this contract.</p> <p><b>2. Mandatory Requirements:</b></p> <table border="1"> <thead> <tr> <th>No.</th> <th>Requirement</th> <th>Assessment / Score</th> <th>Comment</th> </tr> </thead> <tbody> <tr> <td>2.1</td> <td>Tenderers must provide evidence of at least 10 years of experience in the IT environment (enterprise, cloud etc), supporting customers who operate critical infrastructure, experience with large organisation and complex IT infrastructure. Evidence must include high level details of work done. Please include contactable references where possible.</td> <td></td> <td></td> </tr> <tr> <th>No.</th> <th>Requirement</th> <th>Assessment / Score</th> <th>Comment</th> </tr> <tr> <td>2.2</td> <td>Tenderers must provide evidence of at least five years of experience in the OT environment, supporting customers who operate critical infrastructure, such as power grids, transportation systems, and water treatment facilities. Tenderers must have experience in all OT cybersecurity tasks, as per the scope of work of this tender. Evidence must</td> <td></td> <td></td> </tr> </tbody> </table> | No.                | Requirement | Assessment / Score | Comment | 2.1 | Tenderers must provide evidence of at least 10 years of experience in the IT environment (enterprise, cloud etc), supporting customers who operate critical infrastructure, experience with large organisation and complex IT infrastructure. Evidence must include high level details of work done. Please include contactable references where possible. |  |  | No. | Requirement | Assessment / Score | Comment | 2.2 | Tenderers must provide evidence of at least five years of experience in the OT environment, supporting customers who operate critical infrastructure, such as power grids, transportation systems, and water treatment facilities. Tenderers must have experience in all OT cybersecurity tasks, as per the scope of work of this tender. Evidence must |  |  |
| No.                               | Requirement  | Assessment / Score | Comment     |                    |         |     |  |  |  |     |             |                    |         |     |   |  |  |
| 2.1                               | Tenderers must provide evidence of at least 10 years of experience in the IT environment (enterprise, cloud etc), supporting customers who operate critical infrastructure, experience with large organisation and complex IT infrastructure. Evidence must include high level details of work done. Please include contactable references where possible.   |                    |             |                    |         |     |  |  |  |     |             |                    |         |     |   |  |  |
| No.                               | Requirement  | Assessment / Score | Comment     |                    |         |     |  |  |  |     |             |                    |         |     |   |  |  |
| 2.2                               | Tenderers must provide evidence of at least five years of experience in the OT environment, supporting customers who operate critical infrastructure, such as power grids, transportation systems, and water treatment facilities. Tenderers must have experience in all OT cybersecurity tasks, as per the scope of work of this tender. Evidence must  |                    |             |                    |         |     |  |  |  |     |             |                    |         |     |   |  |  |

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|            |   |                           |                |
|------------|---|---------------------------|----------------|
|            | include high level details of work done. Please include contactable references where possible.  |                           |                |
| <b>No.</b> | <b>Requirement</b>  | <b>Assessment / Score</b> | <b>Comment</b> |
| 2.3        | All services that require the connection of a device or a computer to OT infrastructure for the purposes of vulnerability scanning, penetration testing, or any other activity that requires direct connection to an OT network or host must be done using an <u>isolated</u> device/computer. All testing and assessments done on OT systems must be done on site. |                           |                |
| <b>No.</b> | <b>Requirement</b>  | <b>Assessment / Score</b> | <b>Comment</b> |
| 2.4        | The tenderer will supply a minimum of 3 laptop computers, preconfigured with all the software required to provide all the services in relation to OT, as listed in the scope of work section of document.   |                           |                |
| 2.4.1      | The laptop computers will be kept in the possession of Transmission for the duration of the contract and will be handed to the Service Provider when needed, during the contract.   |                           |                |
| 2.4.2      | The laptop computers will remain the property of the Service Provider and will be returned to the Service Provider at the end of the contract period.   |                           |                |
| 2.4.3      | Prior to returning the laptops back to the Service Provider at the end of the contract period, Transmission will sanitize the laptops, as per Eskom's storage media sanitization procedure.   |                           |                |
| 2.4.4      | Any software updates or hardware upgrades the service provider needs to perform on the computers must be done in the presence of an Eskom employee.   |                           |                |
| 2.4.5      | Provide hardware specification and software bill of materials.  |                           |                |
| <b>No.</b> | <b>Requirement</b>  | <b>Assessment / Score</b> | <b>Comment</b> |

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|--|-----|---|--|--|
|  | 2.5 | Where there is insufficient space to provide a response, or if a tenderer wishes to provide a more detailed response which cannot be fully included on the response spreadsheet, the tenderer must include a summarized response on the response spreadsheet and include a detailed response on a separate document, with a reference to this document in the response spreadsheet. Softcopies of documents containing detailed technical responses to be provided on the USB flash drive, together with a hard copy, as part of the tender submission. |  |  |
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### 3. Cybersecurity Advisory Weight- 15%

|     |  | Assessment / Scoring  |            |       |           |       |                           |       |             |       |            |       |             |         |
|-----|--|---|------------|-------|-----------|-------|---------------------------|-------|-------------|-------|------------|-------|-------------|---------|
|     |  | 35%   |            | 35%   |           | 15%   |                           | 10%   |             | 5%    |            |       |             |         |
| No. | Requirement  | Service Type  | Experience | Score | Expertise | Score | Applicable Certifications | Score | Methodology | Score | References | Score | Total Score | Comment |
| 3.1 | Provide a specialized threat detection and monitoring advisory service, the output of which will be used as input into the design, development, and deployment of various threat monitoring and detection technologies, such as NSM, EDR, SIEM and SOAR. | As and when required, billed on an hourly rate basis, excluding travelling, accommodation and meals |            |       |           |       |                           |       |             |       |            |       |             |         |

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|-----|--|---|--|--|--|--|--|--|--|--|--|--|--|--|
| 3.2 | Provide a specialized identity and access management advisory service, the output of which will be used as input into the design, development, and deployment of various advanced identity and access management systems incorporating MFA, password-less authentication, risk and contextual authentication, adaptive access control, and other technologies incorporating AI and machine learning. | As and when required, billed on an hourly rate basis, excluding travelling, accommodation and meals |  |  |  |  |  |  |  |  |  |  |  |  |
| 3.3 | Provide a specialized data protection advisory service, covering the full spectrum of data governance.   | As and when required, billed on an hourly rate basis, excluding travelling, accommodation and meals |  |  |  |  |  |  |  |  |  |  |  |  |
| 3.4 | Provide a cybersecurity legal advisory service, to assist Transmission address cybersecurity regulatory enquiries  | As and when required, billed on an hourly rate basis, excluding                                     |  |  |  |  |  |  |  |  |  |  |  |  |

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|--|--|--------------------------------------|--|--|--|--|--|--|--|--|--|--|--|
|  |  | travelling, accommodation, and meals |  |  |  |  |  |  |  |  |  |  |  |
|--|--|--------------------------------------|--|--|--|--|--|--|--|--|--|--|--|

**4. Vulnerability Assessment**

**Weight- 20% Assessment / Scoring**

| No. | Requirement  | Service Type  | 35%    |            | 35%   |           | 15%   |                           | 10%   |             | 5%    |            | Total Score | Comment |
|-----|--|---|--------|------------|-------|-----------|-------|---------------------------|-------|-------------|-------|------------|-------------|---------|
|     |  |   | Weight | Experience | Score | Expertise | Score | Applicable Certifications | Score | Methodology | Score | References |             |         |
| 4.1 | Asset identification: Identify all assets, i.e., hardware, software, and networks, that make up the system | As and when required, billed on an hourly rate basis, excluding travelling, accommodation and meals |        |            |       |           |       |                           |       |             |       |            |             |         |
| 4.2 | Asset scanning: Scan all assets on the network for vulnerabilities.  | As and when required, billed on an hourly rate basis, excluding travelling,                         |        |            |       |           |       |                           |       |             |       |            |             |         |

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|-----|---|---|--|--|--|--|--|--|--|--|--|--|--|--|
|     |   | accommodation and meals   |  |  |  |  |  |  |  |  |  |  |  |  |
| 4.3 | Vulnerability assessment: Prioritize and assess vulnerabilities based on their severity, risk exposure, and exploitability.   | As and when required, billed on an hourly rate basis, excluding travelling, accommodation and meals |  |  |  |  |  |  |  |  |  |  |  |  |
| 4.4 | Vulnerability remediation: Provide recommendations for remediating vulnerabilities and provide technical assistance to systems owners to implement, track, test and successfully close out vulnerabilities. | As and when required, billed on an hourly rate basis, excluding travelling, accommodation and meals |  |  |  |  |  |  |  |  |  |  |  |  |

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**5. Threat Intelligence Weight- 10%**

|     |  | Assessment / Scoring  |            |       |           |       |                           |       |             |       |            |       |             |         |
|-----|--|---|------------|-------|-----------|-------|---------------------------|-------|-------------|-------|------------|-------|-------------|---------|
| No. | Requirement  | Service Type  | 35%        |       | 35%       |       | 15%                       |       | 10%         |       | 5%         |       | Total Score | Comment |
|     |  |   | Experience | Score | Expertise | Score | Applicable Certifications | Score | Methodology | Score | References | Score |             |         |
| 5.1 | Threat intelligence: Provide a Cyber Threat Intelligence service for both OT and IT, by providing alerts to Transmission when new threats are identified that could affect Transmission's IT and OT infrastructure. This must be a subscription-based service, either billed on a monthly, quarterly, or yearly basis. | Subscription based, billed on a monthly   quarterly   yearly or basis |            |       |           |       |                           |       |             |       |            |       |             |         |

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**6. Penetration Testing Service Weight- 15%**

|     |   | Assessment / Scoring   |            |       |           |       |                           |       |             |       |            |       |             |         |
|-----|---|--|------------|-------|-----------|-------|---------------------------|-------|-------------|-------|------------|-------|-------------|---------|
|     |   | 35%  |            | 35%   |           | 15%   |                           | 10%   |             | 5%    |            |       |             |         |
| No. | Requirement   | Service Type   | Experience | Score | Expertise | Score | Applicable Certifications | Score | Methodology | Score | References | Score | Total Score | Comment |
| 6.1 | The service provider will be required to conduct external network, internal network, web application or specific host, database, or network device penetration tests to identify security vulnerabilities that could be exploited by attackers. The penetration tests will be conducted in accordance with all Eskom applicable policies and standards and aligned to the latest industry | As and when required, billed on a hourly rate basis, excluding travelling, accommodation and meals |            |       |           |       |                           |       |             |       |            |       |             |         |

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|-------------------------------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| standards and best practices. |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|

**7. Cybersecurity Regulatory and Legal Support      Weight- 5%**

|     |  |   | Assessment / Scoring |           |               |       |   |           |                     |       |                |       |                |             |
|-----|--|---|----------------------|-----------|---------------|-------|---|-----------|---------------------|-------|----------------|-------|----------------|-------------|
|     |  |   | 35%                  |           | 35%           |       | 15%   |           | 10%                 |       | 5%             |       |                |             |
| No. | Requirement  | Service Type  | Expe<br>rienc<br>e   | Sc<br>ore | Expe<br>rtise | Score | Appl<br>icabl<br>es<br>Certi<br>ficati<br>ons | Sc<br>ore | Metho<br>dolog<br>y | Score | Refere<br>nces | Score | Total<br>Score | Comme<br>nt |
| 7.1 | Act as an expert witness on behalf of Transmission and provide litigation support.     | As and when required, billed on an hourly rate basis, excluding travelling, accommodation and meals |                      |           |               |       |   |           |                     |       |                |       |                |             |
| 7.2 | Provide cybersecurity legislation and compliance training. All training to be provided | As and when required, billed on a hourly rate basis,  |                      |           |               |       |   |           |                     |       |                |       |                |             |

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|-----------------------------|---|--|--|--|--|--|--|--|--|--|--|--|--|
| online via Microsoft Teams. | excluding travelling, accommodation and meals |  |  |  |  |  |  |  |  |  |  |  |  |
|-----------------------------|---|--|--|--|--|--|--|--|--|--|--|--|--|

**8. Incident Response Services Weight- 30%**

|     |  | Assessment / Scoring                                     |            |       |           |       |                           |       |             |       |            |       |             |         |  |
|-----|--|--|------------|-------|-----------|-------|---------------------------|-------|-------------|-------|------------|-------|-------------|---------|--|
|     |  | 35%  |            | 35%   |           | 15%   |                           | 10%   |             | 5%    |            |       |             |         |  |
| No. | Requirement  | Service Type   | Experience | Score | Expertise | Score | Applicable Certifications | Score | Methodology | Score | References | Score | Total Score | Comment |  |
| 8.1 | Provide Transmission with on-site and remote incident response services, on a 24/7 365 basis, in the event of a cybersecurity incident   breach   attack. This includes responding to the incident quickly and effectively and working with Eskom response structures and employees to restore operations and minimize | Retainer, billed on a monthly   quarterly   yearly basis |            |       |           |       |                           |       |             |       |            |       |             |         |  |

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|---|--|--|--|--|--|--|--|--|--|--|--|--|--|
| <p>the impact of the incident when called upon/activated. Support will include:</p> <p>Specialized cybersecurity forensic investigation support, to forensically identify the scope and nature in the event of cybersecurity incident   breach   attack and to assist with remediation and reporting. This includes but is not limited to the use of IT forensic experience techniques and traditional investigative approaches, including interviewing witnesses, interrogating data, log analysis and examining physical and digital evidence to determine what happened, how it happened, and if applicable, who was involved.</p> |  |  |  |  |  |  |  |  |  |  |  |  |  |
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|---|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| Specialized ransomware advisory, investigations and recovery support.<br>Specialised malware analysis and recovery support. |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|---|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|

**9. General Weight- 5%**

| No. | Requirement   | Instructions   | Assessment / Scoring |       | Total Score | Comment |
|-----|---|--|----------------------|-------|-------------|---------|
|     |   |  | Response             | Score |             |         |
|     |   |  | 100%                 |       |             |         |
| 9.1 | Gartner Cybersecurity Rating                                      | Please provide details of the Tenderer's Gartner Cybersecurity Rating (if rated) |                      |       |             |         |
| 9.2 | Forrester Wave Rating - Global Cybersecurity Consulting Providers | Please provide details of the Tenderer's Forrester Wave Rating (if rated)        |                      |       |             |         |

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|     |                                  |  |  |  |  |  |
|-----|----------------------------------|--|--|--|--|--|
| 9.3 | ISO Cybersecurity Certifications | Please provide a list of all ISO certifications held relating to cybersecurity. Please include the following information:<br><br>ISO certification number<br>ISO certification name<br>Date of certification<br>Expiration date of certification |  |  |  |  |
|-----|----------------------------------|--|--|--|--|--|

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| <p>3.15 Evaluation of price</p>          | <p>Prices will be evaluated as follows:</p> <ol style="list-style-type: none"> <li>1. Inclusive of VAT.</li> <li>2. Making the specified correction for arithmetical errors.</li> <li>3. Excluding contingencies in any bill of quantities or activity schedule.</li> <li>4. Making an appropriate adjustment for any other acceptable variations, deviations, or alternative tenders submitted.</li> <li>5. Making a comparison of the Net Present Value of each adjusted tender based on the tendered programme (if provided) and prices, on the estimated effect of Price Adjustment Factors and rate of exchange fluctuations (if applicable) and on other evaluation parameters relating to uncertainty and risk, where applicable.</li> <li>6. Unconditional discounts must be taken into account for evaluation purposes;</li> <li>7. Conditional discounts must not be taken into account for evaluation purposes but should be implemented when payment is effected.</li> </ol> <p>Prices will be scored out of 80 points</p>  |                                    |                                 |   |    |   |    |   |    |   |    |   |   |   |   |   |   |   |   |               |   |
|--|---|------------------------------------|---------------------------------|---|----|---|----|---|----|---|----|---|---|---|---|---|---|---|---|---------------|---|
| <p>3.17 Evaluation of Specific Goals</p> | <p>Specific goals will be scored out of 20 points in accordance with PPPFA.</p> <p>The following specific goals score card applies:</p> <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr style="background-color: #cccccc;"> <th>B-BBEE Status Level of Contributor</th> <th>Number of points (80/20 system)</th> </tr> </thead> <tbody> <tr><td>1</td><td>20</td></tr> <tr><td>2</td><td>18</td></tr> <tr><td>3</td><td>14</td></tr> <tr><td>4</td><td>12</td></tr> <tr><td>5</td><td>8</td></tr> <tr><td>6</td><td>6</td></tr> <tr><td>7</td><td>4</td></tr> <tr><td>8</td><td>2</td></tr> <tr><td>Non-Compliant</td><td>0</td></tr> </tbody> </table> <p>A tenderer failing to provide documentation for the allocation of preference points will not be disqualified, but-</p> <ol style="list-style-type: none"> <li>(a) will only score points out of 80 for price.</li> <li>(b) scores 0 points out of 20 for specific goals.</li> </ol> <p>Eskom reserves the right to negotiate with preferred bidders after a competitive bidding process or price quotations; should the tendered prices not be deemed market related.</p> | B-BBEE Status Level of Contributor | Number of points (80/20 system) | 1 | 20 | 2 | 18 | 3 | 14 | 4 | 12 | 5 | 8 | 6 | 6 | 7 | 4 | 8 | 2 | Non-Compliant | 0 |
| B-BBEE Status Level of Contributor       | Number of points (80/20 system)   |                                    |                                 |   |    |   |    |   |    |   |    |   |   |   |   |   |   |   |   |               |   |
| 1  | 20  |                                    |                                 |   |    |   |    |   |    |   |    |   |   |   |   |   |   |   |   |               |   |
| 2  | 18  |                                    |                                 |   |    |   |    |   |    |   |    |   |   |   |   |   |   |   |   |               |   |
| 3  | 14  |                                    |                                 |   |    |   |    |   |    |   |    |   |   |   |   |   |   |   |   |               |   |
| 4  | 12  |                                    |                                 |   |    |   |    |   |    |   |    |   |   |   |   |   |   |   |   |               |   |
| 5  | 8   |                                    |                                 |   |    |   |    |   |    |   |    |   |   |   |   |   |   |   |   |               |   |
| 6  | 6   |                                    |                                 |   |    |   |    |   |    |   |    |   |   |   |   |   |   |   |   |               |   |
| 7  | 4   |                                    |                                 |   |    |   |    |   |    |   |    |   |   |   |   |   |   |   |   |               |   |
| 8  | 2   |                                    |                                 |   |    |   |    |   |    |   |    |   |   |   |   |   |   |   |   |               |   |
| Non-Compliant                            | 0   |                                    |                                 |   |    |   |    |   |    |   |    |   |   |   |   |   |   |   |   |               |   |

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|   |   |
|---|---|
|   | <p>Note:</p> <p><b>Failure on the part of the supplier to submit supporting documents/proof of specific goals for purposes of evaluation and scoring by tender closing will not result in disqualification (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects). The tenderer will, however, be scored zero for Specific goals for purposes of PPPFA scoring and ranking.</b></p>   |
| 3.18 Ranking of tenders                 | <p>Suppliers will be ranked by applying the preferential point scoring based on the relevant system as stipulated hereunder]:-</p> <p>1. 80/20 for tender with rand value equal to or below R50 million</p> <p>Eskom will then add the score from Pricing and Specific goals together and rank the suppliers from the highest to the lowest.</p> <p><b>Please note: -</b><br/> <b>Eskom reserves the right to award to a tenderer who may not be the highest scoring/highest ranked tenderer, in line with Section (2) (1) (f) of the PPPFA.</b></p>  |
| 3.19 Objective Criteria (if applicable) | <p>Objective criteria <b>are applicable</b>.</p> <p>The following objective criteria will be applied to the tender:</p> <p>Compliance to Objective criteria is Mandatory for contract award. Failure to comply with Objective will render the tender non-responsive.</p> <p><b>Section 1: Objective criteria</b></p> <p>The following documents are required to claim preference points:</p> <ul style="list-style-type: none"> <li>Valid B-BBEE certificate issued by a SANAS accredited verification agency / sworn affidavit / CIPC affidavit.</li> </ul> <p><b>Section 2: Other SDL&amp;I objectives in line with RDP Goals</b></p> <p>Designated sector, CIDB Skills Development and Mandatory subcontracting as condition of award:</p> <ul style="list-style-type: none"> <li>Not applicable</li> </ul> <p><b>SDL&amp;I Objectives in line with Reconstruction and Development Programme (RDP) Goals</b></p> |

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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.

- 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

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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

- Skills Development

| Category                                      | Eskom's target | Supplier proposal 's |
|---|----------------|----------------------|
| Information Technology Graduate               | 3              |                      |
| Engineering Graduate (Technician or Engineer) | 3              |                      |

For every R2M spend a skill will be developed

- Job Opportunities

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

| Number of Jobs to be created as a result of this contract | Number of Jobs to be retained as a result of this contract |
|---|--|
|   |  |

Qualifying candidates shall be currently unemployed graduates from University and Technical and Vocational Education and training (TVET) and Colleges.


### 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:

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|  |  |
|--|--|
|  | <ul style="list-style-type: none"> <li>Eskom receives the SDL&amp;I progress report/s from the contractor.</li> <li>Fulfilment of all SDL&amp;I obligations by the contractor.</li> </ul> <p>Submission of an approved compliance report by SDL&amp;I Department.</p> <p><b>Please note:-</b></p> <p><b>1. Eskom reserves the right to award to a tenderer who may not be the highest scoring/highest ranked tenderer, in line with Section (2) (1) (f) of the PPPFA</b></p>   |
| 3.20 Reverse e-auction (if applicable) | Reverse e-auction is <b>not applicable</b> .   |
| Contractual Requirements               | <p>Contractual Requirements may include the following:</p> <ul style="list-style-type: none"> <li>SHEQ requirements</li> </ul> <p><b>SAFETY REQUIREMENTS</b></p> <ul style="list-style-type: none"> <li>Annexure B;</li> <li>OHS plan;</li> <li>Baseline OHS Risk Assessment (BRA);</li> <li>Valid Letter of Good Standing (COIDA or equivalent); and</li> <li>OHS policy signed by CEO.</li> </ul> <p><b>QUALITY REQUIREMENTS</b></p> <p>Section A: Quality Management System Requirements ISO 9001</p> <ul style="list-style-type: none"> <li>A.1 Quality Method statement based on scope;</li> <li>A.2 Quality Policy Approved by top management; and</li> <li>A.3 Quality Objectives Approved by top management.</li> </ul> <p>SECTION B: Evidence of QMS in operation (Tender Quality Requirements -240-105658000 /240-105658000)</p> <ul style="list-style-type: none"> <li>B.1 Documented information for defined roles, responsibilities and authorities; and</li> <li>B.2 Documented information for Control of Externally Provided Processes, Products and Services.</li> </ul> <p>SECTION E: User defined additional Requirements &amp; miscellaneous (Ref 240-105658000)</p> <ul style="list-style-type: none"> <li>E.1 Form A is completed and signed.</li> </ul> |

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**ENVIRONMENTAL REQUIREMENTS**

## SECTION A: Environmental Management System Requirements

- A.1 EMS Manual or a document that defines and describes the EMS and its scope;
- A.2 Environmental Policy Signed and Authorized by Company Owner/CEO/MD;
- A.3 Project environmental objectives and planning to achieve them;
- A.4 Project Roles, Responsibilities and Authorities (Environmental Rep/Environmental officer/SHEQ Rep, Environmental management organogram within the Company);
- A.5 Organisation Interested Parties - Needs and expectations;
- A.6 Environmental Communication;
- A.7 Nonconformity and Corrective action;
- A.8 Environmental Emergency Preparedness and Response;
- A.9 Performance Evaluation (monitoring, measurement, analysis and evaluation);
- A.10 Internal Audit and Internal Audit Programme; and
- A.11 Management Review

## SECTION B: Environmental Management Programme and Environmental Authorisation

- B.5 Access Control and Routes;
- B.13 Environmental Incident Reporting (i.e., oil spills, fire, biodiversity);
- B.14 Complaints/Grievance management; and
- B.15 Environmental Compliance Obligations


## SECTION C: Waste Management Plan

- C.1 Possible Waste types and/or streams to be generated;
- C.2 Applicable waste management legislation;
- C.3 Waste segregation and minimisation;
- C.4 Waste handling and disposal on site; and
- C.5 Waste reporting template.

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|                            |  |
|----------------------------|--|
|                            | <p>SECTION E: Employer defined additional requirements &amp; miscellaneous.</p> <ul style="list-style-type: none"> <li>E.1a Waste Management activities; and</li> <li>E.2a Environmental Requirements Proforma: 240-110600836 completed and signed (by the Contractor).</li> </ul> <p>• Please Note:<br/> <b>Contractual requirements are not evaluation criteria. They are required to be met and assessed after the evaluation and ranking of the tenders. Proof that the highest ranked tenderer/ tenderer recommended for award (on the basis of objective criteria) is able to meet the contractual requirements, must be submitted prior to contract award.</b></p> <p><b>Failure to meet “Contractual Requirements “by the stipulated deadlines; may result in the tenderer being regarded as non-responsive and ineligible for contract award.</b></p> |
| 2.25 Contractual Condition | The conditions of contract will be the <b><i>NEC3 Professional Service Contract (PSC)</i></b> .  |
| CIDB Requirements          | CIDB Requirements <b><i>are not applicable.</i></b>  |

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**Please note:**

Tenderers are requested to bear in mind Eskom's standard payment terms as stipulated hereunder when submitting tenders and concluding contracts with Eskom:

For contracts valued below R50 000 000 (Fifty Million Rand) including VAT, Eskom is committed to paying Suppliers within 30 days of receipt of undisputed invoices.

For contracts valued above R50 000 000 (Fifty Million Rand) including VAT, Eskom is committed to paying suppliers within 60 days of receipt of undisputed invoices.

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

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

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

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

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

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### 1.3 TENDER RETURNABLES

The tenderer must submit the returnable set out hereunder as part of its tender at the stipulated deadline.

#### NOTE:

**\* Returnable required at Tender closing (disqualifiable) - These returnable are required to be fully completed, signed (if required on the returnable) and submitted with the tender at Tender closing date and time. If not fully completed, signed (if required on the returnable) and/or submitted by tender closing the tender must be disqualified.**

**\*\* Returnable required at Tender closing. (Non-disqualifiable) – These returnable are also required to be fully completed, signed (if required on the returnable) and submitted with Tender at Tender closing date and time, however, if not submitted by Tender closing, the Procurement Practitioners must request in writing the outstanding returnable to be submitted within 5 working days. If the requested returnable are not fully completed, signed (if required on the returnable) and/or received by the Procurement Practitioner within 5working days of the request; the tender must be disqualified. The 5 working days requirement does not apply to CIDB proof of grading. (Refer to the returnable table under CIDB reference for prescribed period)**

**# These returnable are mandatory for evaluation and therefore required at tender closing time and date. These will not be requested by the Procurement Practitioner; however the tenderer will not be disqualified but score zero.**

| Reference               | Returnable From Suppliers   | Returnable required at Tender closing (disqualifiable)* | Returnable required at Tender closing. (Non-disqualifiable) ** | Returnable required prior to Contract Award. |
|-------------------------|---|---|--|--|
| <b>Basic Compliance</b> | A complete original tender, plus one (1) complete hard copy of the original tender to Eskom and as stipulated on item 3.9 above | ✓   |  |  |
| <b>Annexure A</b>       | Acknowledgement Form  |   | ✓  |  |
| <b>Annexure B</b>       | Tenderers Particulars   |   | ✓  |  |
| <b>Annexure C</b>       | Integrity Pact Declaration form   |   | ✓  |  |
| <b>Annexure D</b>       | CPA for local goods/services (if applicable)  |   | ✓  |  |

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|---|--|----------------|---|---|
| <b>Annexure E</b>   | CPA(IG) for imported goods/services (if applicable)  |                | ✓ |   |
| <b>Annexure F1-F4</b>   | SBD 6.2 -Declaration certificate for local production and content and Annexures C, D, E  | Not Applicable |   |   |
| <b>Annexure G</b><br>(applicable for all suppliers including Foreign suppliers)         | SBD 1- to be completed and submitted by all tenderers.   |                |   | ✓ |
| <b># Annexure H</b>   | SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations   |                |   |   |
| <b>Annexure I</b>   | SBD 4 – Bidders Disclosure   |                | ✓ |   |
| <b>SDL&amp;I</b>  | SDL&I Undertakings   |                | ✓ |   |
| <b>Annexure J</b>   | Authority to submit a tender   |                | ✓ |   |
| <b>Additional Documents required in event of JV:-</b>                                   | Letter of intent to form a JV/consortium or Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios.   |                | ✓ |   |
|   | Separate written confirmation that the joint venture will operate as a single business entity (incorporated) for the duration of the contract or this may be included as an obligation within the JV agreement.  |                | ✓ |   |
|   | # proof of compliance to the stipulated Specific goals.  |                |   |   |
|   | Details and confirmation of a single designated bank account in the name of the JV and independent of the individual JV partners, as set out in the joint venture agreement.   |                |   | ✓ |
| <b># Specific Goals</b>   | Failure on the part of the supplier to submit “ <b>proof of specific goals</b> ” for purposes of evaluation and scoring by the tender closing will not result in disqualification (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects ). The tenderer will, however, be scored zero for Specific goals for purposes of PPPFA scoring and ranking.  |                | ✓ |   |
| <b>Tax Clearance Certificates</b>   | A certified copy of a tax clearance certificate is still required by Foreign suppliers (with a footprint in South Africa- but who are not on CSD and have not provided a SARS pin number) and Local suppliers (who have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number).<br>Foreign suppliers with no footprint in South Africa, must still complete the SBD1 document, however no proof of tax compliance is required. |                |   | ✓ |
| <b>Tax Evaluation Questionnaire (if services contract and was included as annexure)</b> | Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE   |                |   | ✓ |

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|   |   |                |   |   |
|---|---|----------------|---|---|
| <b>Compliance with Employment Equity Act</b>                      | 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) |                |   | ✓ |
| <b>CIDB (where applicable)</b>                                    | 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   | Not Applicable |   |   |
| <b>NEC Documentation</b>  | Completed NEC3 contract data.   |                | ✓ |   |
| <b>Annexure K</b>   | Fully completed pricing schedule  | ✓              |   |   |
| <b>DOCUMENTS REQUIRED UNDER CONTRACTUAL REQUIREMENTS</b>          |   |                |   |   |
| <b>Safety</b>   | Refer to contractual requirements stated above  |                |   | ✓ |
| <b>Quality</b>  | Refer to contractual requirements stated above  |                |   | ✓ |
| <b>Environmental</b>  | Refer to contractual requirements stated above  |                |   | ✓ |
| <b>DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHINICAL CRITERIA</b> |   |                |   |   |
| Technical (required for functionality scoring)                    | Refer to technical evaluation criteria as stipulated on item 3.13 above (technical evaluation criteria also attached seperately on excel format).   | ✓              |   |   |

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**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:

|  |  |
|--|--|
|  |  |
|  |  |
|  |  |

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:

---



---



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**Cataloguing Acknowledgement:**

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

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

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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: MWP2499TX

Name of company/JV: \_\_\_\_\_

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Country of registration: \_\_\_\_\_

Name of contact person: \_\_\_\_\_

Contact details of contact person:

|                 |  |
|-----------------|--|
| Tel (landline): |  |
| Cell phone:     |  |
| e-mail address: |  |

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## **ANNEXURE B**

### **TENDERER'S PARTICULARS**

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

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

Please complete the following:

|   |  |
|---|--|
| Name of lead partner/member in case of JV   |  |
| CIPC Registration Number or CIPC disclosure certificate (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) |  |
| 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 or CIPC disclosure certificate  |  |
| 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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|   |  |
|---|--|
| 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](http://www.treasury.gov.za)
5. If you are registered on SARS Efiling system, please provide your pin number in order to verify your tax compliant status \_\_\_\_\_
6. If you are required to be tax compliant as per SBD 1, but are not registered on CSD ( foreign suppliers) or have not provided your SARS Efiling pin, please confirm that you have attached/will send a copy of a current valid tax compliant certificate as a tender returnable (by contract award stage).

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

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

8.1 Confirm if you intend sub-contracting


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

8.2 What percentage will you be sub-contracting? \_\_\_\_\_%

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8.3 To whom do you intend sub-contracting? \_\_\_\_\_

8.4 Is the said sub-contractor registered on CSD?

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

8.5 If yes to 8.4, please provide CSD number. \_\_\_\_\_

8.4 Please confirm B-BBEE level of said sub-contractor \_\_\_\_\_

8.5 Which designated group does the sub-contractor belong to:-

- a) An EME or QSE;
- b) An EME or QSE which is at least 51% owned by black people;
- c) An EME or QSE which is at least 51% owned by black people who are youth;
- d) An EME or QSE which is at least 51% owned by black people who are women;
- e) An EME or QSE which is at least 51% owned by black people with disabilities;
- f) An EME or QSE which is 51% owned by black people living in rural or underdeveloped areas or townships;
- g) A cooperative which is at least 51% owned by black people;
- h) An EME or QSE which is at least 51% owned by black people who are military veterans; or
- i) More than one of the categories referred to in paragraphs (a) to (h).

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

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


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

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

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**1. 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: \_\_\_\_\_

**2. Joint Ventures**

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

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

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

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## **ANNEXURE C**

### **INTEGRITY DECLARATION FORM**

**Note: This returnable is required to be fully completed, signed and submitted by tenderers at the stipulated deadlines.**

#### **DECLARATION OF INTEREST**

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

1. the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors in the state or a state owned entity.
2. the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors of Eskom
3. the *tenderer/s* employees/directors are also employees/contractors/consultants or directors in another entity together with Eskom employees/consultants/contractors/ directors
4. the *legal person/s (including its employees/contractors/directors/members/ shareholders)* on whose behalf the tender documents are signed, is in some other way “related” to an Eskom employee/contractor/consultant/director involved in the tender evaluation/tender adjudication/tender negotiation. “Related” meaning that:-
  1. an individual is related to another individual if they are married, or live together in a relationship similar to marriage;
  2. or are separated by no more than two degrees of natural or adopted consanguinity or affinity;
  3. an individual is related to a juristic person if the individual directly or indirectly controls the juristic person, as determined in accordance with the definition of “control” (as per Companies Act section 2(1)) ; and

#### **1.a juristic person is “related” to another juristic person if:-**


1. either of them directly/indirectly controls the other, or the business of the other, as determined in accordance with the definition of “control” (as per Companies Act section 2(1) );
2. either is a subsidiary of the other; or
3. a person directly/indirectly controls each of them, or the business of each of them, as determined in accordance with the definition of “control”
5. the *tenderer/s* and one or more of the *tenderers* in this tendering/RFP process have a controlling partner in common, or a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another tenderer, or influence the decisions of Eskom regarding this bidding process;

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

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

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

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:

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

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

| Item  | Question  | Yes | No |
|-------|---|-----|----|
| 1.1   | <p>Is the <i>tenderer/s (or any of its directors/members/shareholders)</i> listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector</p> <p><b>[Note: Companies/persons who are listed on the Database were informed in writing of this restriction by the Authority/Accounting Officer of the institution that imposed the restriction after the audi alteram partem rule was applied].</b></p> <p>The Database of Restricted Suppliers can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>).</p> |     |    |
| 1.2   | <p>Is the <i>tenderer/s (or any of its directors / members / shareholders)?</i> listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004)</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury's website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>).</p>   |     |    |
| 1.3   | <p>Was the <i>tenderer/s (or any of its directors/members/shareholders)</i> convicted by a court of law (including a court outside South Africa) for fraud and/or corruption with respect to the procurement/tendering processes/procedures during the past five years?</p>   |     |    |
| 1.3.1 | Provide details.  |     |    |
| 1.4   | <p>Was the <i>tenderer/s(or any of its directors/members/shareholders)</i> prohibited from doing business with any International Financial Development/funding Agency or Lending Institution</p>  |     |    |
| 1.5   | <p>Is there any history/record of the <i>tenderer/s (or any of its directors/members/shareholders)</i> failing to meet their contractual obligation with any SOC?</p>   |     |    |

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### 3. DECLARATION OF SHAREHOLDING INFORMATION

I, the undersigned \_\_\_\_\_ [Position] \_\_\_\_\_ hereby declare that I am the duly authorised representative of \_\_\_\_\_ [Name of Tenderer].

I further declare that the following individuals and/or entities listed hereunder are Shareholders in \_\_\_\_\_ [Name of Tenderer]:

**Note that this information in the tables hereunder must be fully completed for each tenderer (including incorporated JVs). In event that the tenderer is an unincorporated JV, this must be completed for each JV member. Please add additional rows if required.**

#### Individuals:

| Full Name | Identity Number | Shareholding Percentage |
|-----------|-----------------|-------------------------|
|           |                 |                         |
|           |                 |                         |
|           |                 |                         |
|           |                 |                         |
|           |                 |                         |
|           |                 |                         |

#### Other Entities\*:

| Full Legal / Trading Name | Registration Number/Trust Number | Shareholding Percentage | Full name and surname of the directors/beneficiaries/shareholders of the shareholding entity | Identification Numbers of the shareholders/directors/beneficiaries of the shareholding entity |
|---------------------------|----------------------------------|-------------------------|--|---|
|                           |                                  |                         |  |   |
|                           |                                  |                         |  |   |
|                           |                                  |                         |  |   |
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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 tenderer).

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

I give my consent for this information to be used for the purpose as described in this Integrity Declaration Form and/or in relation to the Supplier Integrity Pact, and


I further consent that information provided in terms of this Integrity Declaration Form may be processed for verification of conflicts of interest and other ancillary purposes by Eskom. Such processing may include the sharing of the information with third parties.

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

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**Joint Ventures**

I, the undersigned, \_\_\_\_\_(full names) 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); and

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 declaration prove to be false; and

I give my consent for this information to be used for the purpose as described in this Integrity Declaration Form and/or in relation to the Supplier Integrity Pact, and

I further consent that information provided in terms of this Integrity Declaration Form may be processed for verification of conflicts of interest and other ancillary purposes by Eskom. Such processing may include the sharing of the information with third parties.

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

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

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## **ANNEXURE D**

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

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

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

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

Eskom 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:**

1. A Main Offer that is fully compliant with the CPA requirements as specified in the Enquiry.
2. 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:

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

Additional/Alternative Offers must be clearly indicated as such

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### 3. ESKOM'S PREFERRED INDEX LIST

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

### 4. FOREIGN PORTION OF THE TENDER/AGREEMENT PRICE

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

1. 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.
2. The index must be the equivalent, or if unavailable, the nearest equivalent index to that of the specific prescribed local index.

### 3. 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.

### 4. 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.

### 5. BASE DATE

1. 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*
2. 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*
1. In this case, the following shall apply:
  1. 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*
  2. Where a high, low and mean are published:  
*The mean*
  3. Where other prices than the Cash Settlement or Cash Sellers Price are published:

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*The Cash Settlement or Cash Sellers Price*

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

**3. 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   |
|---|--|--|--------------------------------|--|
| <b>Labour general (hourly paid)</b><br>SEIFSA, C3, actual labour cost                       | <b>Steel</b><br>StatsSA, P0142.1 Table 2, basic iron and steel                 | <b>Mechanical engineering material</b><br>SEIFSA, G, mechanical engineering material   | SEIFSA, L2, road freight costs | StasSA, PO141 <b>CPI</b> (Headline) all items OR SEIFSA, D-2 (CPI) |
|   | <b>Copper</b><br>SEIFSA, F, copper metric ton                                  | <b>Electrical engineering material</b><br>SEIFSA, G-1, electrical engineering material |                                |  |
| <b>Labour general</b><br>SEIFSA, C3 (a), actual labour cost (field force) where subsistence | <b>Aluminium</b><br>SEIFSA, R, aluminium<br><br><b>Zinc</b><br>SEIFSA, F, zinc | <b>Building and construction material</b>  |                                | StasSA, PO142.1), <b>PPI</b><br>4. Final Manufacture d Goods       |

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|                   |                                |   |  |   |
|-------------------|--------------------------------|---|--|---|
| allowance is paid | <b>Lead</b><br>SEIFSA ,F, lead | SEIFSA, G, building and construction material |  | Or<br>5. Intermediate Manufacture d Goods OR<br>6. SEIFSA Table U Producer Price Index (PPI - final manufactured GOODS OR Intermediate Manufactured Goods |
|-------------------|--------------------------------|---|--|---|

**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)<br><br>National Statistical Institute, Country-specific PPI |
|   | LME, Copper                                | National Statistical Institute, Country-specific electrical engineering material    |   |   |
|   | LME, aluminium                             | National Statistical Institute, Country-specific building and construction material |   |   |
|   | LME, zinc                                  |   |   |   |
|   | LME, lead                                  |   |   |   |

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

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## **ANNEXURE E**

### **CPA (IG) REQUIREMENTS FOR FOREIGN GOODS AND SERVICES**

#### **CONTRACT PRICE ADJUSTMENT AND FOREX PAYMENTS – IMPORTATION**

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

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

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

#### **PART 1: PAYMENT OF FOREIGN COMMITMENTS**

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

##### **Payment Method 1A:**

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

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

**Applicable (Y / N)**

Payment Method 1B;

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

Please note:

1. The contracting party must be the direct importer
2. For payment purposes, Eskom will require both the foreign (commercial ) invoice and the local tax invoice
3. The foreign currency values on both the commercial and local invoice must be the same. Eskom will not pay any profit in foreign currency.
4. 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

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the supplier.

Please note:

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

**Applicable (Y/N).....**

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

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

Fixed ZAR pricing

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

**Applicable (Y/N).....**

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

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

## **PART 2: EXCHANGE RATES**

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

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

## **PART 3: ADJUSTMENT OF IMPORTATION COSTS, ETC**

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

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

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

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

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

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

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

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

**1. MANUFACTURING CPA METHOD (LABOUR AND MATERIAL)**

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


**2. EXPATRIATE LABOUR METHOD**

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

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

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

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

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

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


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

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

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**ANNEXURE G**

**SBD 1**

**PART A  
INVITATION TO BID**

|   |  |               |             |               |          |
|---|--|---------------|-------------|---------------|----------|
| <b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)</b>  |  |               |             |               |          |
| BID NUMBER:   | MWP2499TX  | CLOSING DATE: | 08 MAY 2024 | CLOSING TIME: | 10:00 AM |
| DESCRIPTION   | THE PROVISION OF A SPECIALISED CYBERSECURITY CONSULTING SERVICES TO TRANSMISSION ON AN AS AND WHEN REQUIRED BASIS FOR A PERIOD OF THREE (3) YEARS. |               |             |               |          |
| <b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</b> |  |               |             |               |          |


BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)

|  |      |   |        |  |         |
|--|------|---|--------|--|---------|
| <b>SUPPLIER INFORMATION</b>  |      |   |        |  |         |
| NAME OF BIDDER   |      |   |        |  |         |
| POSTAL ADDRESS   |      |   |        |  |         |
| STREET ADDRESS   |      |   |        |  |         |
| TELEPHONE NUMBER   | CODE |   | NUMBER |  |         |
| CELLPHONE NUMBER   |      |   |        |  |         |
| FACSIMILE NUMBER   | CODE |   | NUMBER |  |         |
| E-MAIL ADDRESS   |      |   |        |  |         |
| VAT REGISTRATION NUMBER  |      |   |        |  |         |
|  |      | TCS PIN:  |        | <b>OR</b>  | CSD No: |
| B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]   |      | <input type="checkbox"/> Yes<br><input type="checkbox"/> No   |        | B-BBEE STATUS LEVEL SWORN AFFIDAVIT<br><input type="checkbox"/> Yes<br><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<br>NAME:  |        |  |         |
| <b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMEs&amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b> |      |   |        |  |         |

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|   |  |  |   |
|---|--|--|---|
| ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?                                   | <input type="checkbox"/> Yes <input type="checkbox"/> No<br>[IF YES ENCLOSE PROOF] | ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED? | <input type="checkbox"/> Yes <input type="checkbox"/> No<br>[IF YES ANSWER PART B:3 BELOW ] |
| <b>SIGNATURE OF BIDDER</b><br>.....   |  | <b>DATE</b>  |   |
| <b>CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)</b> |  |  |   |
| <b>TOTAL NUMBER OF ITEMS OFFERED</b>  |  | <b>TOTAL BID PRICE (ALL INCLUSIVE)</b>                                   |   |
| <b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b>  |  | <b>TECHNICAL INFORMATION MAY BE DIRECTED TO:</b>                         |   |
| DEPARTMENT/ PUBLIC ENTITY   | ESKOM  | CONTACT PERSON   | Refilwe Molapo  |
| CONTACT PERSON  | REFILWE MOLAPO   | TELEPHONE NUMBER   | 017 615 2168  |
| TELEPHONE NUMBER  | 017 615 2168   | FACSIMILE NUMBER   |   |
| FACSIMILE NUMBER  |  | E-MAIL ADDRESS   | MolapoRL@eskom.co.za  |
| E-MAIL ADDRESS  | MOLAPORL@ESKOM.CO.ZA   |  |   |

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## PART B TERMS AND CONDITIONS FOR BIDDING


|   |   |
|---|---|
| <b>BID SUBMISSION:</b>  |   |
| 1.  | BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.   |
| 2.  | ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED – (NOT TO BE RE-TYPED) OR ONLINE  |
| 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. |
| 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.                               |
| 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.   |
| <b>TAX COMPLIANCE REQUIREMENTS</b>  |   |
| 1.  | BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.  |
| 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.   |
| 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.  |
| 4.  | BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.  |
| 5.  | IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.   |
| 6.  | WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.   |
| <b>QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>   |   |
| 1.  | IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>   |
| 2.  | DOES THE BIDDER HAVE A BRANCH IN THE RSA? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>   |
| 3.  | DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>  |
| 4.  | DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>   |
| <p><b>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.</b></p> |   |

**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 2022**

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

**NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022**

**1. GENERAL CONDITIONS**

1. The following preference point systems are applicable to invitations to tender:
  1. the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
  2. the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

**1. To be completed by the organ of state**

*(delete whichever is not applicable for this tender).*

1. The applicable preference point system for this tender is the **90/10** preference point system.
2. The applicable preference point system for this tender is the **80/20** preference point system.
3. Either the **90/10 or 80/20 preference point system** will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.
  1. Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:
    1. Price; and
    2. Specific Goals.

**1. To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

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$$Ps = 80 \left( 1 - \frac{Pt - P_{min}}{P_{min}} \right) \text{ or } Ps = 90 \left( 1 - \frac{Pt - P_{min}}{P_{min}} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

## 2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

### 1. POINTS AWARDED FOR PRICE

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

$$Ps = 80 \left( 1 + \frac{Pt - P_{max}}{P_{max}} \right) \text{ or } Ps = 90 \left( 1 + \frac{Pt - P_{max}}{P_{max}} \right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

### 7. POINTS AWARDED FOR SPECIFIC GOALS

1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
  1. an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or

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- any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system, then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

**Table 1: Specific goals for the tender and points claimed are indicated per the table below.**

*(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.)*

*Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)*

| The specific goals allocated points in terms of this tender | Number of points allocated (90/10 system)<br>(To be completed by the organ of state) | Number of points allocated (80/20 system)<br>(To be completed by the organ of state) | Number of points claimed (90/10 system)<br>(To be completed by the tenderer) | Number of points claimed (80/20 system)<br>(To be completed by the tenderer) |
|---|--|--|--|--|
|   |  |  |  |  |
|   |  |  |  |  |
|   |  |  |  |  |
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|   |  |  |  |  |

**DECLARATION WITH REGARD TO COMPANY/FIRM**

- Name of company/firm.....
- Company registration number: .....
- TYPE OF COMPANY/ FIRM
  - Partnership/Joint Venture / Consortium
  - One-person business/sole propriety

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- Close corporation
  - Public Company
  - Personal Liability Company
  - (Pty) Limited
  - Non-Profit Company
  - State Owned Company
- [TICK APPLICABLE BOX]


4. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

1. The information furnished is true and correct;
2. The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
3. In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
4. If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
  1. disqualify the person from the tendering process;
  2. recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
  3. 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;
  4. recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted 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
  5. forward the matter for criminal prosecution, if deemed necessary.

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.....

**SIGNATURE(S) OF TENDERER(S)**

**SURNAME AND NAME:** .....

**DATE:** .....

**ADDRESS:** .....


.....

.....

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**Annexure I**

**SBD 4**

**BIDDER'S DISCLOSURE**

**1. PURPOSE OF THE FORM**

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

**2. Bidder's declaration**

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest<sup>1</sup> in the enterprise,

employed by the state?

**YES/NO**

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

| Full Name | Identity Number | Name of State Institution |
|-----------|-----------------|---------------------------|
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |
|           |                 |                           |

---


<sup>1</sup> the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

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2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:

.....  
.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract? **YES/NO**

1. If so, furnish particulars:

.....  
.....

**3. DECLARATION**

I, the undersigned, (name)..... in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

3.1 I have read and I understand the contents of this disclosure;

3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;

3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium<sup>2</sup> will not be construed as collusive bidding.

3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.

3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.


3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and

<sup>2</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

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during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

1. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.


|           |                |
|-----------|----------------|
| .....     | .....          |
| Signature | Date           |
| .....     | .....          |
| Position  | Name of bidder |

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|  | <b>Annexure J –<br/>Authority to Submit a Tender<br/>(returnable schedule)<br/>Template</b> | <b>Document Identifier</b> | 240-59384675     | <b>Rev</b> | 1 |  |
|   |   | <b>Effective Date</b>      | 01 November 2012 |            |   |  |
|   |   | <b>Review Date</b>         | May 2027         |            |   |  |

Indicate the status of the *tenderer* by ticking the appropriate box hereunder. The *tenderer* must complete the certificate set out below for his category of organisation or alternatively attach a certified copy of a company or organisation document which provides the same information for the relevant category as requested here.

|                      |                                    |                          |                                |                                  |
|----------------------|------------------------------------|--------------------------|--------------------------------|----------------------------------|
| <b>A<br/>COMPANY</b> | <b>B<br/>CLOSE<br/>CORPORATION</b> | <b>C<br/>PARTNERSHIP</b> | <b>D<br/>JOINT<br/>VENTURE</b> | <b>E<br/>SOLE<br/>PROPRIETOR</b> |
|                      |                                    |                          |                                |                                  |

**A. Certificate for company**

I,....., chairperson of the board of directors of ..... hereby confirm that by resolution of the board taken on ..... (date), Mr/Ms ....., acting in the capacity of ....., was authorised to sign all documents in connection with this tender offer and any contract resulting from it on behalf of the company.

|                |   |
|----------------|---|
| <b>Signed:</b> | <b>Date:</b>  |
| <b>Name:</b>   | <b>Position:</b><br><b>(Chairman of the Board of Directors)</b> |

**B. Certificate for close corporation**


I,....., member of ..... hereby confirm that by majority vote of the members taken on ..... (date), Mr/Ms ....., acting in the capacity of ....., was authorised to sign all documents in connection with this tender offer and any contract resulting from it on behalf of the company.

|                |              |
|----------------|--------------|
| <b>Signed:</b> | <b>Date:</b> |
|----------------|--------------|

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|              |                                     |
|--------------|-------------------------------------|
| <b>Name:</b> | <b>Position:</b><br><b>(Member)</b> |
|--------------|-------------------------------------|

**C. Certificate for partnership**

We, the undersigned, being the **key partners** in the business trading as ..... hereby authorise Mr/Ms ..... acting in the capacity of ..... to sign all documents in connection with the tender offer for Contract ..... and any contract resulting from it on our behalf.

| Name | Address | Signature | Date |
|------|---------|-----------|------|
|      |         |           |      |
|      |         |           |      |
|      |         |           |      |
|      |         |           |      |

NOTE: This certificate is to be completed and signed by the full number of Partners necessary to commit the Partnership. Attach additional pages if more space is required.

**D. Certificate for Joint Venture**

We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorise Mr/Ms ..... an authorised signatory of the company ..... acting in the capacity of lead partner, to sign all documents in connection with the tender offer for Contract ..... and any contract resulting from it on our behalf.

This authorisation is evidenced by the attached power of attorney signed by legally authorised signatories of all the partners to the Joint Venture.

Furthermore 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

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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.

| Name of firm | Address | Authorising signature, name and capacity |
|--------------|---------|--|
| Lead partner |         |  |
|              |         |  |
|              |         |  |
|              |         |  |

### E. Certificate for sole proprietor


I, ....., hereby confirm that I am the sole owner of the business trading as .....

|                |  |
|----------------|--|
| <b>Signed:</b> | <b>Date:</b>                                 |
| <b>Name:</b>   | <b>Position:</b><br><b>(Sole Proprietor)</b> |

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### Confirmation of Employment Equity

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)

Are you currently employing more than 50 employees?

| <i>(indicate with a tick)</i> |    |
|-------------------------------|----|
| Yes                           | No |

If you employ **more than 50 employees** proof of submission of the Employment Equity report to the Department of Labour (South African *tenderers* only) is required and must be attached here.

Signed

Date

Name


Position

*tenderer*

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## Supplier Development Localisation and Industrialisation (SDL&I):

### Section 1: Objective Criteria

The inclusion of objective criteria in an enquiry is not mandatory but a condition for contract award, and if included, this must align with the requirements of the PPPFA [clause 2(1)(f)] and be clearly stated in the enquiry together with the consequence of such objective criteria (i.e., if the tenderer does not meet objective criteria; it may lead to the second-ranked tenderer being recommended for award).

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

- Valid B-BBEE certificate issued by a SANAS accredited verification agency / sworn affidavit / CIPC affidavit.

### Section 2: Other SDL&I Objectives in line with RDP Goals

#### 2.1 Designated Sectors

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

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

#### 2.2 CIDB Skills Development

##### Continuation of Mandatory Requirements

|                                       | YES                      | NO                                  |
|---------------------------------------|--------------------------|-------------------------------------|
| a) Is there CIDB compulsory training? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

#### 2.3 Mandatory Subcontracting as condition of award

Not applicable for this project

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**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

**2. Skills Development**


| Category                                      | Eskom’s target | Supplier ‘s proposal |
|---|----------------|----------------------|
| Information Technology Graduate               | 3              |                      |
| Engineering Graduate (Technician or Engineer) | 3              |                      |

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**For every R2M spend a skill will be developed**

### 3. Job Opportunities

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 |
|-----------------------------|-------------------------------|
|                             |                               |

### Section 1. 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 2. 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

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### Section 3. General Information on Validity of Sworn Affidavits

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

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

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

### Section 4: Reporting and Monitoring

- The suppliers shall on a monthly/quarterly basis submit a report to Eskom in accordance with Data Collection Template on their compliance with the SDL&I obligations described above.
- Eskom shall review the SDL&I reports submitted by the suppliers within 60 (sixty) days of receipt of the reports and notify the suppliers in writing if their SDL&I obligations have not been met.
- Upon notification by Eskom that the suppliers have not met their SDL&I obligations, the suppliers shall be required to implement corrective measures to meet those SDL&I obligations before the commencement of the following report, failing which Retention clauses shall be invoked.
- Every contract shall be accompanied by the SDL&I Implementation Schedule which must be completed by the suppliers and returned to SDL&I representative for acceptance 28 days after contract award.

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