

Document Identifier	240-114238630	Rev	16
Effective Date	February 2023		
Review Date	February 2028		

#### **ESKOM HOLDINGS SOC LTD**

## INVITATION TO TENDER/REQUEST FOR PROPOSAL (RFP)

### **FOR**

# Provision of Repairs on Trunnion house structure for a period of 12 Months at Majuba Power Station.

Tender number/ RFP number	MPMAJ11089GX
Issue date	10 April 2024
Closing date and time	08 May 2024 at 10h00
Tender validity period	365 days from the closing date and time
Clarification meeting	No clarification meeting to be held. Should you have any queries you are welcome to send an email to the buyer. All clarification questions should be send 7 days before closing date. Please note that no closing date extension request will be allowed 7 days before the original closing date.
Tenders are to be delivered to the following address on the stipulated closing date and time:	Eskom Holdings SOC Ltd Tender Centre No.10 Smuts Avenue Witbank / Emalahleni Mpumalanga 1035

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### **Invitation to Tender/Request for Proposal**

Eskom Holdings SOC Ltd (hereinafter "Eskom") invites you to submit a tender for the Provision of Drone at Majuba Power Station Railway line at Night and as an when required at Majuba Power Station.

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).

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

Yours f	faithfully
PM	Tollo
Procur	ement Manager
(Full na	ame and Designation)
Date: _	09/04/2024

1.1 The following documents listed hereunder are attached to this enquiry. [Annexures that are mandatory for all tenders as indicated by (\*) hereunder are attached and must not be removed. Other annexures must only be included/attached where they are applicable]

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Number	Description	Annexure/to be downloaded and attached	Attached (Y/N/ N/A)
1.1.1	*Acknowledgement form	Annexure A	Υ
1.1.2	*Tenderer's particulars	Annexure B	Y
1.1.3	*Integrity Declaration Form	Annexure C	Y
1.1.0	(refer to <a href="www.eskom.co.za">www.eskom.co.za</a> for the Supplier Integrity Pact that suppliers are required to download and read)	7 IIII OXGIO O	•
1.1.4	*CPA Requirements for Local Goods/Services	Annexure D	Υ
1.1.5	*CPA(IG) for Foreign Goods/Services (if applicable)	Annexure E	Υ
1.1.6	SBD 6.2- Declaration Certificate for Local Production and Local Content (only applicable if designated materials are included).	Annexure F1	Y
	Annexure C-Local Content Declaration- Summary Schedule	Annexure F2	
	Annexure D-Imported Content Declaration – Supporting Schedule to Annexure C	Annexure F3	
	Annexure E-Local Content Declaration- Supporting Schedule to Annexure C	Annexure F4	
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	Υ
1.1.9	*SBD 4 – Bidders Disclosure	Annexure I	Υ
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 [only to be attached for services type of contracts].	[Procurement Practitioner to download from Hyperwave]	N/A
1.1.11	Reverse e-auction training acknowledgement form (if applicable)	[To be uploaded from Sharepoint] https://commercial.eskom.co.za/Pages/Default.aspx	N/A

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1.1.12	Reverse e-auction process (if applicable)	[To be uploaded from Sharepoint] https://commercial.eskom.co.za/Pages/Default.aspx	
1.1.13	Contract Skills Development Goals (CSDG) [if applicable]	To be downloaded from CIDB (Form A1 List of Recognised Skills Development Agencies, Form A2 Baseline Training Plan, Form A3 Project Interim Report, Form A4 Supervisor Agreement, Form A5 Project Completion Report	
1.1.14	Contract Participation Goals (CPG) [if applicable ]	To be downloaded from CIDB (Annexure A- Targeted Enterprise Declaration Affidavit; Project Interim Report, Project Completion Report and Declaration)	

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1.2 The Tender Data makes several references to the Eskom Standard Conditions of Tender and in those instances, the clause numbers are referenced hereunder. If the Eskom Standard Conditions of Tender is not attached to the Invitation to Tender/Request for Proposal; then the tenderersare required to download this from <a href="www.eskom.co.za">www.eskom.co.za</a>. 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	The Employer is Eskom Holdings SOC Ltd
	The Eskom Representative is: Name: Nonhlanhla Tshabalala Tel: 017 612 6773 E-mail: TshabaNn@eskom.co.za
1.3 Enquiry documents	The Invitation to tender number is: MPMAJ11089GX
	See the content list above for the enquiry documents.
1.4 Type of Invitation to Tender/RFP	This invitation to tender is:  1. An open Invitation to tender
1.6 Eskom's rights to accept or reject any tender	The tender shall be for the whole/parts of the contract.
2.1 Eligible tenders	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.
	<ol> <li>Tenderers are deemed ineligible to submit a tender if</li> <li>Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be deemed to have the nationality of a country if the tenderer is a national or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also apply to the determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services.</li> <li>Tenderers submit more than one [tender/proposal] either individually or as a partner in a joint venture (JV) or consortium</li> <li>[Tenders/proposals] submitted by a JV or consortium where the JV/consortium agreement does not explicitly state that the</li> </ol>

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	parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms.  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/RFP] process, if:  1. (a)they have a controlling partner/majority shareholder in common; or  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;  5. Tenders signed by non- authorized persons  6. Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers)
	7. Any tenderer that is restricted by National Treasury
	8. Any tenderer on the Tender Defaulters list.
	A tenderer that sub-contracts 100% Scope of Work.
	Ineligible tenderers will be disqualified.
2.2 -2.5 Tender Closing	The deadline for <i>Tender</i> submission is:
	Date: 08 May 2024
	Time: <b>10:00 am</b>
	Late Tenders will not be accepted
	Tenders are to be submitted to the Eskom <i>tender box</i> at the following
	physical address:
	THE TENDER OFFICE
	Eskom Holdings SOC Ltd
	Tender Centre
	No.10 Smuts Avenue
	Witbank / Emalahleni
	Mpumalanga
	1035
2.9 Copy of original tender	The tenderer must submit the tender as a complete original tender, plus one (1) <b>hard copy</b> of the original tender at tender submission deadline. Eskom may also require that one (1) additional complete soft copy of the original tender is required in electronic format.
	Where a Tenderer does not submit 1 hard copy of the original tender at tender submission deadline, the tenderer will be disqualified.
2.13 Tender Validity Period	The tender validity period is <b>52</b> weeks
	[Note:
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	For Construction -related work the initial tender validity must not exceed 12 weeks]
2.16 Site/clarification meetings	No clarification meeting to be held. Should you have any queries you are welcome to send an email to the buyer. All clarification questions should be send 7 days before closing date.
	Please note that if the tender stipulates that a site/clarification meeting is mandatory/compulsory; then suppliers must attend such meeting. Those suppliers who do not attend such mandatory/compulsory meeting will be disqualified and will not be evaluated.
2.17 Clarification on enquiry documents	The tenderer will notify the <i>Employer</i> of any clarifications required before the closing time for clarification queries, which is <b>7</b> working days before the deadline for tender submission.
2.23 Alternative tenders	Alternative tenders are <b>not allowed</b> .  If Alternative tender(s) are allowed, it may be based only on the following criteria and subject to acceptance by the <i>Employer:</i> 1. A different completion date.  2. A different payment method.  3. Different technical methods and specifications  A different main option and other combinations of secondary option clauses, acceptable to Eskom as the Employer, selected from the NEC Engineering and Construction Contract
2.31 Provision of security for performance	If security for performance (e.g. Performance Bond) is required, the names of two financial institutions that the tenderer will approach must be submitted with the tender.
	The following bonds are required for this enquiry: -
	ABSA Bank Limited     Development Bank of South Africa
	3.FirstRand Bank Limited 4.Investec Bank Limited 5.Land and Agricultural Development Bank of South Africa 6.Nedbank Limited
	7.Standard Bank of South Africa Ltd
3.4 Opening of tenders	Tenders will be opened at the same date and time as the tender deadline;
3.5 Prices to be read out	Prices will <b>not be read out</b> .
3.9 Basic Compliance	Basic compliance for this invitation to tender/ RFP are:

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Meet the eligibility criteria for a tenderer
Submit one (1) hard copy of the original tender to Eskom Submit a complete original tender with commercial, financial and technical information Submission of the mandatory commercial tender returnables as at stipulated deadlines. Central Supplier Database (CSD) number (MAA) enderer that does not submit mandatory documents/information uired in mandatory documents by the required deadlines as ulated in the Tender Returnable section of the respective tation to Tender; will be deemed non-responsive.
actionality requirements are applicable
derers who do not meet the threshold for functionality scoring will disqualified and not be evaluated further.
ces will be evaluated as follows:
Inclusive of VAT Making the specified correction for arithmetical errors Excluding contingencies in any bill of quantities or activity schedule.  Making an appropriate adjustment for any other acceptable variations, deviations, or alternative tenders submitted.  Making a comparison of the Net Present Value of each adjusted tender based on the tendered programme (if provided) and prices, on the estimated effect of Price Adjustment Factors and rate of exchange fluctuations (if applicable) and on other evaluation parameters relating to uncertainty and risk, where applicable.  Unconditional discounts must be taken into account for evaluation purposes; Conditional discounts must not be taken into account for evaluation purposes but should be implemented when payment is effected.
ces will be scored out of 80 or 90 points ecific goals will be scored out of 10 or 20 points in accordance with PFA. The atenderer fails to meet Specific goals and submit proof, the derer will not be disqualified. However, be awarded 80/90 points price and will score 0 points for Specific goals (out of 10/20) e:

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	Failure on the part of the supplier to submit supporting documents/proof of specific goals for purposes of evaluation and scoring by RFQ 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.
3.18 Ranking of tenders	Suppliers will be ranked by applying the preferential point scoring based on the relevant system as stipulated hereunder]:- Suppliers will be ranked by applying the preferential point scoring based on the relevant system as stipulated hereunder]:-  1. 90/10 for tender with a rand value above R50 million or  2. 80/20 for tender with rand value equal to or below R50 million  OR
	state that either 80/20 or 90/10 will apply should there be a degree of uncertainty on which PPPFA Point allocation system will apply; the lowest acceptable tender will be used to determine the applicable preference system
	Eskom will then add the score from Pricing and Specific goals together and rank the suppliers from the highest to the lowest.
3.19 Objective Criteria (if applicable)	Objective criteria not applicable
	<ul> <li>"Eskom reserves the right to award the tender to a supplier who may not be the highest scoring/highest ranked tenderer, in line with Section (2) (1) (f) of the PPPFA; subject to the right to negotiate on the objective criteria with the three highest ranked tenderers respectively before award is made.</li> <li>Tenderers will not be disqualified if they do not comply with the objective criteria Functionality and any element of the B-BBEE scorecard may not be used as objective criteria.</li> </ul>
3.20 Reverse e-auction (if applicable)	Reverse e-auction not applicable
	Please note: - Reverse e-auction is an electronic price and preference point system (aligned to PPPFA) that aims to achieve the most competitive prices. Eskom reserves the right to utilize reverse e-auction in certain enquiries. Where reverse e-auction is utilized

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	in a specific enquiry this will be indicated in the respective enquiry and the relevant reverse e-auction supporting documents will form part of the enquiry. The Tenderers will be required to submit a complete tender but without prices. Where a supplier includes prices in their tender; these prices will not be considered and will be disregarded.
Contractual Requirements (if applicable )	Contractual Requirements may include the following:  1. SHEQ requirements; and/or 2. Financial statements; and/or 3. SDLI Requirements
	Please Note: 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.
	Failure to meet "Contractual Requirements "by the stipulated deadlines; may result in the tenderer being regarded as non-responsive and ineligible for contract award.
2.25Contractual Condition	The conditions of contract will be the <b>NEC</b>
	The recommended supplier shall submit all the documentation (Form A2 Baseline Training Plan, Form A3 Project Interim Report, Form A4 Supervisor Agreement, Form A5 Project Completion Report ) that may be required as returnables after contract award as stipulated by Clause 4 of the Contract Skills Development Goals Standard (published in GGN 36760 of March 2020)
	The recommended supplier shall submit all the documentation (Annexure A-Targeted Enterprise Declaration Affidavit; Project Interim Report, Project Completion Report and Declaration) that may be required as returnables after contract award and as stipulated by Clause 3.3 of the Standard for Indirect Targeting for Enterprise Development through Construction Works Contract (published in GGN 36190 of 25 February 2013)
	In the event that there are further documents/actions that are required during execution of the contract, these must be made contractual conditions and compliance thereto must be managed in terms of the contract.

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CIDB Requirements (where applicable for Engineering and Construction Works	CIDB Requirements not applicable
Contracts)	

### 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

"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

#### 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

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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.
Basic Compliance	One (1) hard copy of the tender	✓		
Annexure A	Acknowledgement Form		✓	
Annexure B	Tenderers Particulars		✓	
Annexure C	Integrity Pact Declaration form		✓	
Annexure D	CPA for local goods/services (if applicable)	<b>✓</b>		
Annexure E	CPA(IG) for imported goods/services (if applicable)	<b>✓</b>		
Annexure F1-F4	SBD 6.2 -Declaration certificate for local production and content and Annexures C, D, E [only applicable where designated materials are included]			✓
Annexure G (applicable for all suppliers including Foreign suppliers)	SBD 1- to be completed and submitted by all tenderers.			<b>√</b>

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# Annexure H	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations		
Annexure I	SBD 4 – Bidders Disclosure	<b>√</b>	
Reverse e-auction training acknowledgement form (if applicable)	CDD 1 Diddore Dischoole		<b>√</b>
Additional Documents required in event of JV:-	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 profitsharing ratios.	<b>√</b>	
	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.	<b>✓</b>	
	# 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>√</b>
# Specific Goals	Failure on the part of the supplier to submit "proof of specific goals 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>✓</b>
Tax Clearance Certificates	A certified copy of a tax clearance certificate is still required by Foreign suppliers (with a footprint in South Africa- but who are not on CSD and have not provided a SARS pin number) and Local suppliers (who have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number). Foreign suppliers with no footprint in South Africa, must still complete the SBD1 document, however no proof of tax compliance is required.		<b>✓</b>
Tax Evaluation Questionnaire (if services contract and was	Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE]		<b>√</b>

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included as				
annexure) Compliance with	To the extent that the tenderer falls within the definition of			<b>/</b>
Employment	a "designated Employer" as contemplated in the			*
Equity Act	Employment Equity Act 55 of 1998, the tenderer is			
Equity Act	required to furnish the Employer with proof of compliance			
	with the Employment Equity Act, including proof of			
	submission of the Employment Equity report to the			
	Department of Labour. (South African tenderers only)			
CIDB (where	Valid proof of the required cidb grading designation for the		<b>√</b>	
applicable)	main contractor; JV and /or sub-contractor as may be		·	
applicable)	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			
NEC/FIDIC	Completed NEC/FIDIC pricing schedule and contract	✓		1
Documentation	data.			
Additional		✓		
documents				
required (ECSA/				
SACPCMP/CVs/				
permits/licenses/				
specific				
registration				
documents				
(if applicable to				
scope of work)				
	DOCUMENTS REQUIRED UNDER CONTRACTUAL REQUIREMENTS (WHERE CONTRACTUAL REQUIREMENTS ARE STIPULATED)			
Safety	COIDA - Original certificate of good standing or proof of			✓
	application issued by the Compensation Fund (COID) or			
	a licensed compensation insurer (South African			
Quality	a licensed compensation insurer (South African			<b>✓</b>
Quality	a licensed compensation insurer (South African tenderers only)			<b>✓</b>
Quality	a licensed compensation insurer (South African tenderers only)  Documents that may be required per scope of work			<b>√</b>
Quality	a licensed compensation insurer (South African tenderers only)  Documents that may be required per scope of work  Form A			✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓
•	a licensed compensation insurer (South African tenderers only)  Documents that may be required per scope of work  Form A			
Other	a licensed compensation insurer (South African tenderers only)  Documents that may be required per scope of work  Form A  Tender Returnable			
Other safety/quality documents as required per	a licensed compensation insurer (South African tenderers only)  Documents that may be required per scope of work  Form A  Tender Returnable  Annexure B			
Other safety/quality documents as	a licensed compensation insurer (South African tenderers only)  Documents that may be required per scope of work  Form A  Tender Returnable  Annexure B  -Annexure C			
Other safety/quality documents as required per	a licensed compensation insurer (South African tenderers only)  Documents that may be required per scope of work  Form A  Tender Returnable  Annexure B  -Annexure C  - Contractor Health and Safety Requirements (2)			
Other safety/quality documents as required per	a licensed compensation insurer (South African tenderers only)  Documents that may be required per scope of work  Form A Tender Returnable  Annexure B -Annexure C - Contractor Health and Safety Requirements (2) - SAFETY TOP RISKS (2) - Work at Height Standard			
Other safety/quality documents as required per scope of works	a licensed compensation insurer (South African tenderers only)  Documents that may be required per scope of work  Form A  Tender Returnable  Annexure B  -Annexure C  - Contractor Health and Safety Requirements (2)  - SAFETY TOP RISKS (2)			<b>✓</b>

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Due Diligence	Audited Financial Statements of the <i>tenderer</i> for the previous 18 months, or to the extent that such statements are not available, for the last year. Tenderers must note that in the case of a joint venture or special purpose vehicle (SPV) especially formed for this tender, audited financial statements for each participant in the JV / SPV is required. Start-up enterprises formed within the last 12 months are not required to send in statements, but if successful with their tender will be required to send statements for the first year when once available.		<b>✓</b>
	DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHINICAL CRITERIA		
Technical (required for functionality scoring)	The technical evaluation will be in three (3) phases Kindly refer to the technical evaluation criteria	<b>√</b>	

### **ANNEXURE A**

### **ACKNOWLEDGEMENT FORM**

We a	re in receipt of the Invitation to Tender/Proposal from Eskom Holdings SOC Ltd and
	ollowing addenda issued by Eskom:
	<b>3</b>
We co	onfirm that the documentation received by us is: (Indicate by ticking the box)
Corre	ect as stated in the Invitation to Tender / RFP Content List, and that each document is
comp	lete. □
Or:	Incorrect or incomplete for the following reasons: □
	·

### **Cataloguing Acknowledgement:**

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

1.	we agree to provide the cataloguing information as described in the <i>tender</i> 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]
3.	number] □ We do not intend to provide the cataloguing information for the required scope / specifications. for the reasons stated hereunder: □
4.	I confirm that I am a Distributor/Importer/Agent and my Principal, being the Original Equipment Manufacturer (OEM) is or is not in the position to supply cataloguing information for items. See attached letter from OEM confirming his position.
Invitat	tion to Tender/Request for Proposal No:
Name Count	e of company/JV: try of registration:
Name	of contact person:
Conta	act details of contact person:
Tel (	landline):
Cell	phone:
e-ma	ail address:

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### **ANNEXURE B**

Name of contractor

VAT registration number

## **TENDERER'S PARTICULARS**

The tenderer must furnish the following particulars where applicable:

Indicate the type of tendering structure by marking with	n 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 applicable.	for the main sub-contractor(s). Add to the list of

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CIPC Registration number or CIPC disclosure certificate



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CIDB Registrati	on number (if applicable) and CIDB grade	
specified for the	e sub-contractor as may be stipulated in the	
Tender Data		
Proposed Scop	e of work to be done by sub-contractor	
Contact person		
Telephone num	ber	
Fax number		
E-mail address		
Postal address		
Physical addres	SS	
1.	If you are currently registered as a vendor with registration number with Eskom.	•
2.	If you are currently registered as a vendor on	the Treasury Central Supplier
	Database(CSD) please provide your supplier Treasury	registration number with
3.	Please note that it is mandatory for you to regintend doing work with any State department	
4.	You may register online at National Treasury	website on www.treasury.gov.za
5.	If you are registered on SARS Efiling system.	please provide your pin number in

If you are required to be tax compliant as per SBD 1, but are not registered on CSD (foreign suppliers) or have not provided your SARS Efiling pin, please confirm that you have attached/will send a copy of a current valid tax compliant certificate as a tender returnable (by contract award stage).

YES NO

order to verify your tax compliant status \_

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

6.

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YES NO
8.2 What percentage will you be sub-contracting?%
8.3 To whom do you intend sub-contracting?
8.4 Is the said sub-contractor registered on CSD?
YES NO
8.5 If yes to 8.4, please provide CSD number
8.4 Please confirm B-BBEE level of said sub-contractor
8.5 Which designated group does the sub-contractor belong to:-
a) 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;
<li>f) An EME or QSE which is 51% owned by black people living in rural or underdeveloped areas or townships;</li>
g) A cooperative which is at least 51% owned by black people;
<ul> <li>An EME or QSE which is at least 51% owned by black people who are military veterans; or</li> </ul>
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 NO
8.7 Have you attached proof of sub-contractor's belonging to designated group

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NO

YES



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1.	Single tenderers	(F.J.	l	·
	-	(Ful sign all documents in connection with this tender	I names) hereby confi and any contract resulti	
		(insert the full legal name of t		9
	Signature:			
	Designation:			
	Date:			
2.	Joint Ventures			
	We, the undersigned, are	submitting this tender in Joint Venture and(full names), an au	thorised signatory	of
	serving as the lead partner)	, (insert the full legal nan acting in the capacity of lead partner, to sign all tract resulting from it on our behalf.		
	all partners are liable jointly authorised to incur liabilitie	a copy of the joint venture agreement which incoming and severally for the execution of the contract as, receive instructions and payments and be in the contract of the contr	nd that the lead partne	r is
	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:-

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

1.	If any e	employee/di	irector/me	ember/sha	reholder/owner	of tend	derer/s is a	ilso curre	ently e	employ	ed by Eskom,
	state w	hether this	has beer	declared	and whether the	ere is a	uthorisation	on(Y/N) t	to und	ertake	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	Is the tenderer/s (or any of its directors/members/shareholders) listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector		
	[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].		
	The Database of Restricted Suppliers can be accessed on the National Treasury's website ( <a href="www.treasury.gov.za">www.treasury.gov.za</a> ).		
1.2	Is the tenderer/s (or any of its directors / members / shareholders)? listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004)		
	The Register for Tender Defaulters can be accessed on the National Treasury's website ( <a href="www.treasury.gov.za">www.treasury.gov.za</a> ).		
1.3	Was the <i>tenderer/s</i> (or any of its directors/members/shareholders) convicted by a court of law (including a court outside South Africa) for fraud and/or corruption with respect to the procurement/tendering processes/procedures during the past five years?		
1.3.1	Provide details.	1	
1.4	Was the tenderer/s(or any of its directors/members/shareholders) prohibited from doing business with any International Financial Development/funding Agency or Lending Institution		
1.5	Is there any history/record of the tenderer/s (or any of its directors/members/shareholders) failing to meet their contractual obligation with any SOC?		

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, the un	dersigned		[Position]		nereby declar
hat I am	the duly author	orised repres	entative of	[Name of Tenderer].	
			ng individuals and/or entities list [ <i>Name of Tenderer</i> ]:	ed hereunder are Sh	areholders i
Note th	at this inforn	nation in ti	ne tables hereunder must be f	ully completed for e	ach tendere
(includii	ng incorporat	ed JVs). I	n event that the tenderer is an	unincorporated JV,	this must b
complet	ed for each J	V member.	Please add additional rows if req	uired.	
ndividu	als:				
Full Nam	e	I	dentity Number	Shareholding Percentage	
Other E	ntities*:				
Full Legal / Trading Name	Registration Number/Trust Number	Shareholdin Percentage	Full name and surname of the directors/beneficiaries/shareholders of the shareholding entity	Identification Numbers shareholders/directors of the shareholding en	beneficiaries/

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I, the undersigned, (authorised to sign all documents in connection with the behalf of (insert the full legal		t I am duly ng from it on
I declare that I have read and understood the pro- information furnished herein is correct, that it is under be rejected, and that Eskom will act against the tend prove to be false, and	erstood that the tenderer's tender/p	roposal may
I give my consent for this information to be used Declaration Form and/or in relation to the Supplier In		this Integrity
I further consent that information provided in term processed for verification of conflicts of interest a processing may include the sharing of the information	nd other ancillary purposes by E	
Signature:		
Designation and capacity in which signing		
Date:		

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Joint Ventures	
capacity of lead partner, I am duly authorised to	(full names) hereby confirm that acting in the sign all documents in connection with the tender  (insert the full legal
information furnished herein is correct, that it is	provisions of the Supplier Integrity Pact, that all understood that the JV's tender/proposal may be should any aspect of this declaration prove to be
Declaration Form and/or in relation to the Supplie  I further consent that information provided in	terms of this Integrity Declaration Form may be at and other ancillary purposes by Eskom. Such
Signature:	
Designation and capacity in which signing	
Date:	
severally for the execution of the contract and that the	rates a statement that all partners are liable jointly and ne lead partner is authorised to incur liabilities, receive e entire execution of the contract for and on behalf of

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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	F	Position	
Tenderer			

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

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

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allowance is paid  Lead SEIFSA ,F, lead	SEIFSA, G, building and construction material	Or 5. Intermediate Manufacture d Goods OR 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	National Statistical Institute, Country-specific CPI (Headline) National
	LME, Copper  LME, aluminium	National Statistical Institute, Country-specific electrical engineering material	index	Statistical Institute, Country-specific PPI
	LME, zinc	National Statistical Institute, Country-specific building and construction material		

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)

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.
- 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	 /	<u>/</u>	-	
TENDERER'S SIGNATURE	 		-	

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### **ANNEXURE F1**

SBD 6.2

# DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

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

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

#### 1. General Conditions

- 1.1. Dtic makes provision for the promotion of local production and content.
- 1.2. Dtic prescribes that in the case of designated sectors, organs of state must advertise such tenders with the specific bidding condition that only locally produced or manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.4. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

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

#### Where

x is the imported content in Rand

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

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

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

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- 1.5. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted at the stipulated deadlines.
- 2. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:

Description of services, works or goods	Stipulated minimum threshold
	%
	%
	%

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

(Tick applicable box)

YFS	NO	

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

The relevant rates of exchange information is accessible on <a href="https://www.reservebank.co.za">www.reservebank.co.za</a>

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

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

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

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

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

LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF

EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)						
IN RESPECT OF BID NO.						
ISSUED BY: (Procurement Authority / Name of Institution):						
NB						
The obligation to complete, duly sign and submit this declaration cannot be to an external authorized representative, auditor or any other third pabehalf of the bidder.						
Guidance on the Calculation of Local Content is acceptable.  Local Content Declaration Templates (Annex C, D and E) is attached to and must be submitted at the stipulated deadline.  Bidders should first complete Declaration D. After completing Declaration should complete Declaration E and then consolidate the information on Declaration C should be submitted at the stipulated deadline of the to substantiate the declaration made in paragraph (c) below. Declared E should be kept by the bidders for verification purposes for a period years. The successful bidder is required to continuously update Declaration E with the actual values for the duration of the contract.  If, the undersigned,	on D, bidders Declaration C. bid in order rations D and of at least 5 ions C, D and (full names),					
(a) The facts contained herein are within my own personal knowledge.						
(b) I have satisfied myself that:						
<ul> <li>the goods/services/works to be delivered in terms of the above- comply with the minimum local content requirements as specified in as measured in terms of SATS 1286:2011; and</li> </ul>	•					
(c) The local content percentage (%) indicated below has been calculat formula given in clause 3 of SATS 1286:2011, the rates of exchange paragraph 4.1 above and the information contained in Declaration D and been consolidated in Declaration C:	e indicated in					
Bid price, excluding VAT (y)	R					

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

If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above.

The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E.

- (d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
- (e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 9.1 of the Preferential Procurement Regulations, 2022 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

SIGNATURE:	 DATE:
WITNESS No. 1	 DATE:
WITNESS No. 2	 DATE:

Annexure F2-\_Local content Declaration-Summary Schedule (annex C)

Adobe Acrobat Document

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

Adobe Acrobat Document



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

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#### **ANNEXURE G**

**SBD 1** 

# PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)								
BID NUMBER:	CLOSII	NG DATE	:		CLOS	SING TIME:		
DESCRIPTION								
	THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).							
	BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID							
BOX SITUATED AT (STREET ADDRESS)								
SUPPLIER INFORMATION								
NAME OF BIDDER								
POSTAL ADDRESS								
STREET ADDRESS								
TELEPHONE NUMBER	CODE				NUMBER			
CELLPHONE NUMBER								
FACSIMILE NUMBER	CODE				NUMBER			
E-MAIL ADDRESS								
VAT REGISTRATION NUMBER								
	TCS PIN:			OR	CSD No:			
B-BBEE STATUS LEVEL VERIFICATION	☐ Yes				E STATUS	Yes		
CERTIFICATE [TICK APPLICABLE BOX]	□No			AFFID	. SWORN AVIT	□No		
IF YES, WHO WAS THE CERTIFICATE				<b>.</b>		<del>,</del>		
ISSUED BY?		ANI ACC	COUNTING (	DEELCED A	AS CONTEMPL	ATED IN THE		
AN ACCOUNTING OFFICER AS		ACT (C		JEFICER A	43 CONTENIEL	-ATED IN THE	CLUSE COR	PORATION
CONTEMPLATED IN THE CLOSE				AGENC	Y ACCREDI	TED BY TH	HE SOUTH	AFRICAN
CORPORATION ACT (CCA) AND NAME			DITATION S		SANAS)			
THE APPLICABLE IN THE TICK BOX			STERED AU	IDITOR				
		NAME:						
	[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMEs& QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					s& QSEs) MU		

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ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	[IF YES ENCLOSE PROC	]No OF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	☐Yes ☐No [IF YES ANSWER PART B:3 BELOW]
SIGNATURE OF BIDDER			DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)				
TOTAL NUMBER OF ITEMS OFFERED			TOTAL BID PRICE (ALL INCLUSIVE)	
<b>BIDDING PROCEDURE ENQUIRIES MAY E</b>	E DIRECTED TO:	TECHNI	CAL INFORMATION MAY E	BE DIRECTED TO:
DEPARTMENT/ PUBLIC ENTITY		CONTA	CT PERSON	·
CONTACT PERSON		TELEPH	IONE NUMBER	
TELEPHONE NUMBER		FACSIM	ILE NUMBER	·
FACSIMILE NUMBER		E-MAIL	ADDRESS	
E-MAIL ADDRESS				

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# PART B TERMS AND CONDITIONS FOR BIDDING

	BID SUBMISSION:	
1.	BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS CONSIDERATION.	WILL NOT BE ACCEPTED FOR
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 MANDA (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIA INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDA SUBMITTED TO BIDDING INSTITUTION.	ANCE STATUS; AND BANKING
4.	WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT B DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMIT	BE SUBMITTED WITH THE BID
5.	THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 A PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.	
	TAX COMPLIANCE REQUIREMENTS	
1.	BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.	
2.	BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.	) ISSUED BY SARS TO ENABLE
3.	APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FIL PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WE	
4.	BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.	
5.	IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PAPPROOF OF TCS / PIN / CSD NUMBER.	RTY MUST SUBMIT A SEPARATE
6.	WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DAM MUST BE PROVIDED.	TABASE (CSD), A CSD NUMBER
	QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS	
	IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	☐ YES ☐ NO
	2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?	☐ YES ☐ NO
	3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	□ YES □ NO

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

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.

DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?

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☐ YES ☐ NO



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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:

POINTS

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PRICE	
SPECIFIC GOALS	
Total points for Price and SPECIFIC GOALS	100

- 2. Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
- 3. The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

#### 3. **DEFINITIONS**

- 1. "tender" means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- 2. **"price"** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- 3. **"rand value"** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- 4. "tender for income-generating contracts" means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- 5. **"the Act"** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

#### 6. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

#### 1. POINTS AWARDED FOR PRICE

### 3.1.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

80/20 or 90/10

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

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:

$$Ps = 80\left(1 + rac{Pt-P\,max}{P\,max}
ight)$$
 or  $Ps = 90\left(1 + rac{Pt-P\,max}{P\,max}
ight)$ 

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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2. 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) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)

#### **DECLARATION WITH REGARD TO COMPANY/FIRM**

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	<ul><li>□ Partnership/Joint Venture / Consortium</li><li>□ One-person business/sole propriety</li></ul>
3.	TYPE OF COMPANY/ FIRM
2.	Company registration number:
1.	Name of company/firm

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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;
    - 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 interest1 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

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<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.



2.2

### Invitation to Tender/ Request for Proposal (RFP)

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employ	red by the proci	uring institution? YES/NO		
2.2.1	If so, furnish p	particulars:		
•	having a contro	•	shareholders / members / partners or any any interest in any other related enterprise YES/NO	
	1.	If so, furnish particulars:		

Do you, or any person connected with the bidder, have a relationship with any person who is

#### 3. DECLARATION

- 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 consortium2 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

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<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.



Document Identifier	240-114238630	Rev	16
Effective Date	February 2023		
Review Date	February 2028		

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 S	TATE	MAY	REJECT	THE	BID	OR	ACT	AGAIN	IST	ME IN	I TER	MS C	)F
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Signature	Date	
Position	Name of bidder	

#### Controlled Disclosure

Anonymously report fraud, corruption at 0800 11 2722/ forensic@eskom.co.za