

	<b>Invitation to Tender</b>	<b>Document Identifier</b>	240-114238630	<b>Rev</b>	15	
		<b>Effective Date</b>	February 2023			
		<b>Review Date</b>	February 2028			

**ESKOM HOLDINGS SOC LTD**

**INVITATION TO TENDER FOR PROPOSAL  
FOR**

**SUPPLY AND DELIVERY OF STEEL MEMBERS AND PLATES TO  
TRANSMISSION NORTHERN GRID ON AN “AS AND WHEN REQUIRED BASIS”  
FOR A PERIOD OF THREE (3) YEARS**

<b>Tender number</b>	<b>LP00159AB</b>
<b>Issue date</b>	<b>25 April 2024</b>
<b>Closing date and time</b>	<b>20 May 2024; 10h00(SAST)</b>
<b>Tender validity period</b>	<b>Twelve (12) weeks from the closing date and time</b>
<b>Clarification meeting</b>	<p><b>NON-COMPULSORY CLARIFICATION CONDUCTED ON (MICROSOFT TEAMS) MST</b></p> <p><b>Date: 02 May 2024</b> <b>Time: 10h00AM to 12h00PM</b></p> <p><b>Microsoft Teams</b> <a href="#">Join the meeting now</a> Meeting ID: 359 245 474 629 Passcode: JqBoSr</p> <p><b>Note:</b> Tenderers to do regular checks on the Eskom tender bulletin for any tender addendums, as all clarifications pertaining to this tender will be uploaded on that platform. It is the responsibility of the Tenderer to check the tender bulletin for updates and to ensure their response to the tender provides for information communicated also through the tender bulletin.</p>
<b>Tenders are to be delivered to the following address on the stipulated closing date and time:</b>	<p><b>Eskom Holding SOC Ltd</b> <b>The Tender Office</b> <b>Millennium Building</b> <b>90 Hans Van Rensburg Street</b> <b>Polokwane</b> <b>Limpopo</b></p> <p><b>Eskom will not take any responsibility for any late submissions as a result of non-compliance to the tender delivery requirements.</b></p>

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## Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a tender to supply and delivery of steel members and plates to Transmission Northern Grid on an “as and when required basis” for a period of three (3) years. The enquiry documents are supplied to you 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)).

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

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 RFP 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 level or refer the issue 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.

BT Mtungwa

Procurement Manager

Busi Mtungwa – Tactical Sourcing

Date: 25/04/2024

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

### 2. Evaluation process and criteria

- 2.1 Basic Compliance
- 2.2 Mandatory tender returnables
- 2.3 Functionality
- 2.4 Financial evaluation
- 2.5 Price and preference scoring
- 2.6 Objective criteria

### 3. Condition of contract

NEC3 Supply Contract, and relevant contract conditions

### 4. Scope of work/Works Information/Employers Requirements

Supply and delivery of Steel Members and Plates to Transmission Northern Grid on an “as and when required basis” for a period of three (3) years as stipulated in the below:

Item no	Description
1	40 x 40 x 5mm (Galvanised Angle)
2	50 x 50 x 5mm (Galvanised Angle)
3	70 x 70 x 6mm (Galvanised Angle)
4	80 x 80 x 6mm (Galvanised Angle)
5	100 x 100 x 10mm (Galvanised Angle)
6	1m x 1m x 6mm (Steel S355JR)
7	All Materials should be Galvanised as required.

## 5. PRICING DATA

Tenderers are to complete and sign the form of offer and acceptance on the NEC Supply Contract documents.

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**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).  Annexure C-Local Content Declaration- Summary Schedule  Annexure D-Imported Content Declaration – Supporting Schedule to Annexure C  Annexure E-Local Content Declaration- Supporting Schedule to Annexure C	Annexure F1  Annexure F2  Annexure F3  Annexure F4	Y
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	Not Applicable	
1.1.11	Reverse e-auction training acknowledgement form (if applicable)	Not Applicable	
1.1.12	Reverse e-auction process (if applicable)	Not Applicable	
1.1.13	Contract Skills Development Goals (CSDG) [if applicable]	Not Applicable	
1.1.14	Contract Participation Goals (CPG) [if applicable]	Not Applicable	

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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:  Name: <b>Asnath Baloyi</b>  Tel: <b>015 299 0242</b>  E-mail: <a href="mailto:BaloyiAT@eskom.co.za">BaloyiAT@eskom.co.za</a></p>
1.3 Enquiry documents	The Invitation to tender: <b>LP00159AB consists of this document and all documents issued with it.</b>
1.4 Type of Invitation to Tender	<p>This invitation to tender is: <b>An open Invitation to tender</b></p> <p>All relevant documentation for this Tender Enquiry will be published on:  1. Eskom’s Tender Bulletin  2. National Treasury e-Tender Portal</p> <p>Note: It is the responsibility of the Tendering Company to ensure that all the requested documentation is downloaded, completed in full and submitted upon tender closing date.</p>
1.6 Eskom's rights to accept or reject any tender	The tender shall be for the <b>whole</b> of the contract.
<b>2.1 Eligible tenders</b>	<p>Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture) complies with the <i>eligibility criteria</i> stated in the Tender Data and the tenderer, or any of his principals, is not under any restriction to do business with Eskom/State Owned Companies.</p> <p>Tenderers are deemed <b>ineligible</b> to submit a <b>[tender]</b> if</p> <ul style="list-style-type: none"> <li>Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be deemed to have the nationality of a country if the tenderer is a national or is constituted, incorporated, or registered and operates in conformity with the</li> </ul>

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	<p>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.</p> <ul style="list-style-type: none"> <li>• Tenderers submit more than one tender either individually or as a partner in a joint venture (JV) or consortium</li> <li>• Tenders submitted by a JV or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms.</li> <li>• A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. A Tenderer may be considered to have a conflict of interest with one or more parties in this [tendering] process, if : <ul style="list-style-type: none"> <li>• (a)they have a controlling partner/majority shareholder in common; or</li> <li>• (b)they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another Tenderer, or influence the decisions of the Employer regarding this bidding process;</li> </ul> </li> <li>• Tenders signed by non- authorized persons</li> <li>• Where the tenderers are not registered on National Treasury’s Central Supplier Database (except Foreign Suppliers)</li> <li>• Any tenderer that is restricted by National Treasury</li> <li>• Any tenderer on the Tender Defaulters list.</li> <li>• A tenderer that sub-contracts 100% Scope of Work.</li> <li>• Flagged Suppliers</li> </ul> <p><b>Ineligible tenderers will be disqualified.</b></p> <p><b>FLAGGING OF SUPPLIERS:</b>  Flagging of a supplier is a process where a “flag” is placed on a supplier in respect of the following:  a) Those suppliers implicated in serious misconduct by the Zondo Report or the SIU pending the finalisation of supplier disciplinary measures against these suppliers; and</p>
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	<p>b) Other suppliers implicated in serious misconduct and a breach of the Eskom Supplier Integrity Pact by a forensic report or other source of credible information, such as the SAPS, the NPA, the SIU or other related source.</p> <p>The implications of this “flag” are as follows:  No new contracts or extension of existing contracts may be awarded to the supplier pending finalisation of supplier disciplinary processes against the supplier. Where a as such, the supplier’s bid should be removed from any tender evaluation at the “eligibility” or “compliance” assessment stage of the evaluation.</p>
2.2 -2.5 Tender Closing	<p>The deadline for Tender submission is:  Date :<b>20 May 2024</b>  Time :<b>10h00</b></p> <p><b>Late Tenders will not be accepted</b>  Tenders are to be submitted to the Eskom <i>tender box</i> at the following physical address:</p> <p><b>THE TENDER OFFICE  ESKOM HOLDING SOC LTD  MILLENNIUM BUILDING  90 HANS VAN RENSBURG STREET  POLOKWANE  LIMPOPO</b></p>
2.9 Copy of original tender	<p><b>The tenderer must submit the tender as follows:</b></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> <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>twelve (12) weeks</b>.</p>

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	<p><b>NB:</b> While a twelve (12) week 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 twelve (12) weeks, Tenderers will be requested to extend their validity beyond the twelve (12) weeks.</p>
2.16 Site /Clarification meetings	<p><b>NON-COMPULSORY CLARIFICATION CONDUCTED ON (MICROSOFT TEAMS) MST</b></p> <p><b>Date: 02 May 2024</b> <b>Time: 10h00AM to 12h00PM</b></p> <p><b>Microsoft Teams</b> <a href="#">Join the meeting now</a> Meeting ID: 359 245 474 629 Passcode: JqBoSr</p> <p><b>Note:</b> Tenderers to do regular checks on the Eskom tender bulletin for any tender addendums, as all clarifications pertaining to this tender will be uploaded on that platform. It is the responsibility of the Tenderer to check the tender bulletin for updates and to ensure their response to the tender provides for information communicated also through the tender bulletin.</p>
2.17 Clarification on enquiry documents	The tenderer will notify the <i>Employer</i> of any clarifications required before the closing time for clarification queries, which is five (5) working days before the deadline for tender submission.
2.23 Alternative tenders	Alternative tenders are <b>not allowed</b> .
2.31 Provision of security for performance	Not Applicable
3.4 Opening of tenders	Tenders will be opened at the same date and time as the tender deadline
3.5 Prices to be read out	Prices will <b>not be read out</b> .
3.9 Basic Compliance	<p>Basic compliance for this invitation to tender are:</p> <ul style="list-style-type: none"> <li>• Meet the eligibility criteria for a tenderer.</li> <li>• Submit one (1) hard copy and an electronic copy (via USB) of the original tender to Eskom. Electronic copy is not a disqualifying criteria.</li> </ul>

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	<ul style="list-style-type: none"> <li>Submit complete original tender with <b>Commercial, Financial, BOQ on both excel &amp; pdf format, SDL&amp;I in one file and technical information in the second file; Safety file, Environmental file and Quality file each separately</b> for evaluation purposes.</li> <li>Submission of the mandatory commercial tender returnables as at stipulated deadlines.</li> <li>Central Supplier Database (CSD) number (MAA.....)</li> </ul> <p><b>Non - responsive /Unacceptable tenders will be disqualified and all the responsive tenders will be evaluated further</b></p>
3.10 Mandatory tender returnables	Mandatory tender returnable <b>are not applicable</b>
3.13 Functionality requirements	Functionality requirements <b>are applicable</b>

#### TECHNICAL EVALUATION THRESHOLD

The minimum weighted final score (threshold) required for a tender to be considered from a technical perspective is **70%**. The following scoring method will be used

	Description	Select Option	Tick Applicable Bar	Score by Evaluator	Weighting	Details to be Evaluated in the Technical returnable file	Comments from Evaluator
1	Details of the Raw (Black) steel supplier – (mill certificate required with every delivery)	No Information provided (0)			35%	Provide – Mill certificate of black steel to be supplied.	
		Information provided not related to Eskom Tx or Dx tower member steel (2)					
		Information provided related to Eskom Tx or Dx tower member steel (5)					
2	Details of the Raw (Black) steel supplier – (mill certificate required with every delivery)	No Information provided (0)			35%	Provide – Spreadsheet of member sizes available vs member sizes requested by Eskom.	
		Partial member list provided (up to 50% of Eskom member list) (2)					
		Partial member list provided (up to 50% to 80% of Eskom member list) (4)					

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		Partial member list provided (up to 80% to 100% of Eskom member list) (5)					
3	Details of the Raw (Black) steel supplier –(mill certificate required with every delivery)	No Information provided (0)		30%		Provide – size of galvanizing bath and/or- letter from galvanizing company detailing the size of galvanizing bath.	
		Can galvanise members up to 3m length (2)					
		Can galvanise members up to 6m length (4)					
		Can galvanise members up to 9m length (5)					
				0%	100%		
<b>A total of 70% or Higher is required to pass this engineering tender evaluation</b>							

Failure by the tenderer to meet the minimum threshold of **70%** will lead to immediate disqualification and will not be legible for further evaluations.

3.15 Evaluation of price	<p>Prices will be evaluated as follows:</p> <ul style="list-style-type: none"> <li>• Inclusive of VAT</li> <li>• Making the specified correction for arithmetical errors</li> <li>• Excluding contingencies in any bill of quantities or activity schedule.</li> <li>• Making an appropriate adjustment for any other acceptable variations, deviations, or alternative tenders submitted.</li> <li>• Making a comparison of the Net Present Value of each adjusted tender based on the tendered programme (if provided) and prices, on the estimated effect of Price Adjustment Factors and rate of exchange fluctuations (if applicable) and on other evaluation parameters relating to uncertainty and risk, where applicable.</li> <li>• Unconditional discounts must be taken into account for evaluation purposes;</li> <li>• Conditional discounts must not be taken into account for evaluation purposes but should be implemented when payment is effected.</li> </ul> <p style="text-align: center;"><b>Prices will be scored out of 80 points</b></p>
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<b>3.17 Evaluation of Specific Goals</b>	<p>Specific goals/preference points will be scored out of 10 points in accordance with Eskom Procurement and Supply Chain Management Procedure.</p> <p>The following specific goals score card applies:</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;">BBBEE Status Level of Contribution</th> <th style="text-align: center;">Number of Points (80/20)</th> </tr> </thead> <tbody> <tr><td style="text-align: center;">1</td><td style="text-align: center;">20</td></tr> <tr><td style="text-align: center;">2</td><td style="text-align: center;">18</td></tr> <tr><td style="text-align: center;">3</td><td style="text-align: center;">14</td></tr> <tr><td style="text-align: center;">4</td><td style="text-align: center;">12</td></tr> <tr><td style="text-align: center;">5</td><td style="text-align: center;">8</td></tr> <tr><td style="text-align: center;">6</td><td style="text-align: center;">6</td></tr> <tr><td style="text-align: center;">7</td><td style="text-align: center;">4</td></tr> <tr><td style="text-align: center;">8</td><td style="text-align: center;">2</td></tr> <tr><td style="text-align: center;">Non – Compliant Contributor</td><td style="text-align: center;">0</td></tr> </tbody> </table> <p>To claim preference points as specific goals/preference points, a tenderer must submit the following documentation:</p> <ul style="list-style-type: none"> <li>• Valid B-BBEE certificate issued by a B-BBEE verification professional/ a sworn affidavit/CIPC affidavit.</li> <li>• Proof of ownership/ shareholding (preferably CIPC documentation) inclusive of shareholding breakdown,</li> <li>• Certified ID copies of shareholder(s)</li> <li>• Proof of Disability (where applicable).</li> </ul> <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) may only score points out of 90 for price</li> <li>b) scores 0 points out of 10 for specific goals.</li> </ol> <p>A tenderer may not be awarded points for specific goals/preference points if the tender documents indicate that the tenderer intends to subcontract more than 25% of the value of the contract to any other person not qualifying for at least the points that the tenderer qualifies for, unless the intended subcontractor is an EME that can execute the subcontract.</p>	BBBEE Status Level of Contribution	Number of Points (80/20)	1	20	2	18	3	14	4	12	5	8	6	6	7	4	8	2	Non – Compliant Contributor	0
BBBEE Status Level of Contribution	Number of Points (80/20)																				
1	20																				
2	18																				
3	14																				
4	12																				
5	8																				
6	6																				
7	4																				
8	2																				
Non – Compliant Contributor	0																				

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	<p><b>NOTE:</b>  <b>Failure on the part of a supplier to submit “proof of B-BBEE status level of contributor” for purposes of evaluation and scoring by the tender closing will not result in disqualification (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects). The tenderer will, however, be scored zero on B-BBEE 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>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>  <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><b>Objective criteria are applicable</b></p> <p>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).</p> <p><b>Designated Materials declaration</b></p> <p>The following designated materials and thresholds must be met by tenderers in order to be evaluated further. They are as follows</p> <table border="1" data-bbox="593 1615 1457 1722"> <thead> <tr> <th>Commodity</th> <th>Components</th> <th>Local Content Threshold</th> </tr> </thead> <tbody> <tr> <td>Steel</td> <td>Steel</td> <td>100%</td> </tr> </tbody> </table> <p>Tenderers need to (click open attached pdf files), complete and submit Annexure F1-F4 hereto as evidence of compliance with this requirement.</p> <p><b>Also refer to attached excel file attached separately.</b></p>	Commodity	Components	Local Content Threshold	Steel	Steel	100%
Commodity	Components	Local Content Threshold					
Steel	Steel	100%					

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	<p>The DTI has appointed SABS as the official verification agency for local content in terms of designated products.</p>
3.20 Reverse e-auction	<p>Reverse e-auction <b>are not applicable</b></p>
Contractual Requirements (if applicable)	<p><b>Contractual Requirements may include the following:</b></p> <p><b>Safety contractual requirement</b></p> <ul style="list-style-type: none"> <li>• 240-43921898 Rev 5-OHS Tender Evaluation (Medium risk)</li> <li>• Annexure B: Acknowledgement Form for Eskom SHE Rules and other Requirements</li> </ul> <p><b>Environmental contractual requirements</b></p> <ul style="list-style-type: none"> <li>• 240-43921898-Environmental Tender Evaluation and Scoring Card</li> <li>• Annexure B: Eskom Acknowledgement Form for OHS legal and other requirements</li> </ul> <p><b>Quality contractual requirements (Refer to attached documents separately)</b></p> <ul style="list-style-type: none"> <li>• 240-12248652 Category 3- List of Tender Returnable Documents Rev 5</li> <li>• 240-68099512- Form A 2020 Category 4 Rev 8.</li> <li>• 240-105658000- Supplier Quality Management Specification</li> </ul> <p><b>Contractual requirements</b></p> <p><b>SHEQ</b></p> <p>It must be noted that the Safety, Quality and Environment requirements will be evaluated, and tenderer/s will be given one opportunity to submit the outstanding requirements. The shortfalls will be communicated upfront to the tenderer who will then be requested to attend a session where the functional specialist will assist the tenderer to understand the outstanding requirements. The tenderer will then be afforded one opportunity to correct and resubmit within seven (7) working days after the clarification session.</p> <p><b><u>Other SDL&amp;I Objectives in line with RDP Goals</u></b></p> <p>Tenderers who complete and submit the undertaking as required, but who do not meet Eskom’s targets, will not be disqualified. SDL&amp;I undertakings do not form part of scoring, but commitments will form part of contractual obligations.</p>

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	<p><b>BBBEE requirements:</b> All tenderers must at a minimum maintain their BBBEE status throughout the contract period.</p> <p><b>Jobs.</b> 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.</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="width: 60%;">Type of Jobs to be created</th> <th style="width: 40%;">Number of Jobs to be created</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="width: 60%;">Type of Jobs to be retained</th> <th style="width: 40%;">Number of Jobs to be retained</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table> <p><b><u>SDL&amp;I Penalty and Performance Security</u></b>  Eskom will apply a penalty of 2.5% of the invoice amount for failure to meet SDL&amp;I obligations.</p> <p>As security for the fulfilment of all SDL&amp;I obligations, Eskom will apply a penalty of 2.5% of every invoice amount (excluding VAT) for failure to submit SDL&amp;I performance reports every quarter; or failure to meet the SDL&amp;I obligations in a contract.</p>	Type of Jobs to be created	Number of Jobs to be created			Type of Jobs to be retained	Number of Jobs to be retained		
Type of Jobs to be created	Number of Jobs to be created								
Type of Jobs to be retained	Number of Jobs to be retained								
2.25 Contractual Condition	<p>The conditions of contract will be the <b>NEC3 Supply Contract</b></p> <p>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</p>								
CIDB Requirements (where applicable for Engineering and Construction Works Contracts)	CIDB Requirements <b>are not applicable</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;

**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**

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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>	<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"</li> </ul>	✓		
<b>Annexure A</b>	Acknowledgement Form		✓	
<b>Annexure B</b>	Tenderers Particulars		✓	
<b>Annexure C</b>	Integrity Pact Declaration form		✓	
<b>Annexure D</b>	CPA for local goods/services (if applicable)		✓	
<b>Annexure 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 <b><i>[only applicable where designated materials are included]</i></b>		✓	

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<b>Annexure G</b> (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		✓	
Reverse e-auction training acknowledgement form (if applicable)		N/A		
<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.	N/A		
	# 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.	N/A		
<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) . Foreign suppliers with no footprint in South Africa, must still complete the SBD1 document, however no proof of tax compliance is required.			✓

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<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	N/A			
<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	N/A			
<b>NEC Documentation</b>	Completed NEC3 Supply Contract (SC) and C2.2 Price Schedule.	✓			
<b>Additional documents required (ECSA/ SACPCMP/CVs/ permits/licenses/ specific registration documents (if applicable to scope of work))</b>		N/A			
<b>DOCUMENTS REQUIRED UNDER CONTRACTUAL REQUIREMENTS (WHERE CONTRACTUAL REQUIREMENTS ARE STIPULATED)</b>					
<b>Safety</b>	COIDA - Original certificate of good standing or proof of application issued by the Compensation Fund (COID) or a licensed compensation insurer (South African tenderers only).		✓		
<b>Quality</b>	Documents that may be required per scope of work, <b>Refer to attached documents separately with this tender</b>		✓		
<b>Other safety/quality documents as required per scope of works</b>			✓		
<b>Environmental</b>	Documents that may be required as per scope of work.		✓		
<b>Due Diligence</b>	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		✓		

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	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>DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHINICAL CRITERIA</b>				
Technical (required for functionality scoring)	<b>Refer to Technical Requirement folder attached separately.</b>	✓		

**IMPORTANT NOTICE ON THE 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.

**Very Important Note:**

A sworn affidavit that does not comply with the above requirements will not be considered in the evaluation of preference Points and the tenderer will be scored zero on specific goals.

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**ANNEXURE A**

**ACKNOWLEDGEMENT FORM**

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


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

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

Or: Incorrect or incomplete for the following reasons:

---



---



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Cataloguing Acknowledgement:

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

We agree to provide the cataloguing information as described in the *tender submission*.   
 We have already supplied Eskom with the cataloguing information pertaining to this enquiry in a previous contract/order [*insert previous invitation to tender number*  \_\_\_\_\_]

We do not intend to provide the cataloguing information for the required scope / specifications. for the reasons stated hereunder:

---



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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.

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

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

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

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

Contact details of contact person:

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

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**ANNEXURE B**

**TENDERER'S PARTICULARS**

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

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

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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	
Proposed Scope of work to be done by sub-contractor	
Contact person	
Telephone number	
Fax number	
E-mail address	
Postal address	
Physical address	

- If you are currently registered as a vendor with Eskom, please provide your Vendor registration number with Eskom. \_\_\_\_\_
- If you are currently registered as a vendor on the Treasury Central Supplier Database (CSD) please provide your supplier registration number with Treasury \_\_\_\_\_
- 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.
- You may register online at National Treasury website on [www.treasury.gov.za](http://www.treasury.gov.za)
- If you are registered on SARS Efiling system, please provide your pin number in order to verify your tax compliant status \_\_\_\_\_

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

YES		NO	
-----	--	----	--

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

8.1 Confirm if you intend sub-contracting

YES		NO	
-----	--	----	--

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

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

8.4 Is the said sub-contractor registered on CSD?

YES		NO	
-----	--	----	--

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

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

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

- a) 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).

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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

YES		NO	
-----	--	----	--

**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: \_\_\_\_\_

**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 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 is not fully completed, signed and/or received by the Procurement Practitioner within 5 working days of the request; the tender must be disqualified.***

### **DECLARATION OF INTEREST**

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

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

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

<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>

- 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 process share a controlling partner or have any relationship with each other, directly or through common third parties? (Y/N) If Yes, attach proof to this declaration.

## 2. DECLARATION OF FAIR TENDERING PRACTICES

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

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

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

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

Item	Question	Yes	No
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	<p>Provide details.</p>		
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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**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>	

**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

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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 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.

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

- 1.5. 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:

<u>Description of services, works or goods</u>	<u>Stipulated minimum threshold</u>
<u>STEEL</u>	<u>100%</u>

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

(Tick applicable box)

YES		NO	
-----	--	----	--

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

The relevant rates of exchange information is accessible on [www.reservebank.co.za](http://www.reservebank.co.za)

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

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

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

4. Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the 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**

- 1 The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.
- 2 Guidance on the Calculation of Local Content is accessible on [http://www.thdti.gov.za/industrial\\_development/ip.jsp](http://www.thdti.gov.za/industrial_development/ip.jsp).
- 3 Local Content Declaration Templates (Annex C, D and E) is attached to this enquiry and must be submitted at the stipulated deadline.
- 4 Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted at the stipulated deadline of the bid in order to substantiate the declaration made in paragraph (c) below.** Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

I, the undersigned, ..... (full names),  
do hereby declare, in my capacity as .....  
of .....(name of bidder  
entity), the following:

- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that:
  - (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and
- (c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

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

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

- (d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
- (e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 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)**



Adobe Acrobat Document

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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:	LP00159AB	CLOSING DATE:	20 May 2024	CLOSING TIME:	10h00 SAST
DESCRIPTION	The supply and deliver of Steel Member and Plates for Transmission Northern Grid Sites				
<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>Eskom Holding SOC Ltd</b>					
<b>The Tender Office</b>					
<b>Millennium Building</b>					
<b>90 Hans Van Rensburg Street</b>					
<b>Polokwane</b>					
<b>Limpopo</b>					
<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:		OR	CSD No:
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE (TICK APPLICABLE BOX)		<input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT <input type="checkbox"/> Yes <input type="checkbox"/> No	
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?					
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX		<input type="checkbox"/>		AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)	
		<input type="checkbox"/>		A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)	
		<input type="checkbox"/>		A REGISTERED AUDITOR	
		NAME:			
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT(FOR EMEs&amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>					

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ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ANSWER PART B:3 BELOW ]
<b>SIGNATURE OF BIDDER</b> .....	<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		CONTACT PERSON	
CONTACT PERSON		TELEPHONE NUMBER	
TELEPHONE NUMBER		FACSIMILE NUMBER	
FACSIMILE NUMBER		E-MAIL ADDRESS	BaloyiAT@eskom.co.za
E-MAIL ADDRESS			

## PART B TERMS AND CONDITIONS FOR BIDDING

<b>BID SUBMISSION:</b>
<ul style="list-style-type: none"> <li>BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.</li> <li>ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE</li> <li>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.</li> <li>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.</li> <li>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.</li> </ul>
<b>TAX COMPLIANCE REQUIREMENTS</b>
<ul style="list-style-type: none"> <li>BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</li> <li>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.</li> <li>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.</li> </ul>

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- BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.
- IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.
- WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

**QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS**

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

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

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

**ANNEXURE H**

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## 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**

#### GENERAL CONDITIONS

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

#### 2.To be completed by the organ of state

- The applicable preference point system for this tender is the **80/20** preference point system.
- Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:
  - Price; and
  - Specific Goals.

#### 3. To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

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	POINTS
<b>PRICE</b>	80
<b>SPECIFIC GOALS</b>	20
<b>Total points for Price and SPECIFIC GOALS</b>	100

- 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.
- 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.

#### DEFINITIONS

- **“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;
- **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- **“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
- **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

#### FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

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• **POINTS AWARDED FOR PRICE**

3.1.1 **THE 80/20 PREFERENCE POINT SYSTEMS**

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

**80/20**

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

**Where**

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

**POINTS AWARDED FOR SPECIFIC GOALS**

- 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:
- any other invitation for tender, that the 80/20 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 the 80/20 preference point system.

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

**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	Number of points claimed (80/20 system)
---	----------------------------	---

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	<b>(80/20 system) (To be completed by the organ of state)</b>	<b>(To be completed by the tenderer)</b>
1	20	
2	18	
3	14	
4	12	
5	8	
6	6	
7	4	
8	2	
Non – Compliant Contributor	0	

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

  - 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:
    - The information furnished is true and correct;
    - The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;

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- 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;
- 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 –
  - disqualify the person from the tendering process;
  - 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;
  - 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
  - forward the matter for criminal prosecution, if deemed necessary.

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

  

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

  

**DATE:** .....

**ADDRESS:** .....

.....

.....

**ANNEXURE I**

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**SBD 4**

**BIDDER'S DISCLOSURE**

**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.

- **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:

.....  
 .....

**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

<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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