

	Investment Recovery Offer to Purchase Template OLT2112174	Template Identifier	240-75978567	Rev	2	
		Effective Date	01 June 2021			
		Review Date	June 2024			

INVITATION TO SUBMIT AN OFFER TO PURCHASE, COLLECT AND REMOVE VARIOUS SCRAP MATERIALS LOCATED AT KENDAL POWER STATION (MPUMALANGA)

ENQUIRY NUMBER: OLT2112174

CLOSING DATE: 08 May 2024

INVESTMENT RECOVERY SECTION

PURCHASE, COLLECT AND REMOVE VARIOUS SCRAP MATERIALS LOCATED AT KENDAL POWER STATION (MPUMALANGA)

Issue Date:

29/04/2024

Ref:

OLT2112174

Enquiry: Ntsako Nkanyana

013 693 2872

nkanyan@eskom.co.za

TENDER ENQUIRY No OLT2112174

Eskom is the owner of the listed **VARIOUS SCRAP MATERIALS LOCATED AT KENDAL POWER STATION (MPUMALANGA)**

You are kindly invited to submit an offer to purchase, collect and remove **VARIOUS SCRAP MATERIALS LOCATED AT KENDAL POWER STATION (MPUMALANGA)** as detailed in the Scope of Work and Offer to Purchase

For commercial clarification send an email to nkanyan@eskom.co.za

Should you be interested in viewing the site or need more information you can contact Bancedile Mabuza at +27 13 647 6394 / 082 487 7615, or email mabuzaba@eskom.co.za.

PPE TO BE WORN ON ALL ESKOM SITES ON VIEWING/ VISITS. YOU WILL NOT BE GRANTED ACCESS TO THE SITE IF THE MINIMUM PPE IS NOT WORN

1. SUBMISSION OF THE “OFFER TO PURCHASE”

Your tender returnable, as submitted by you together with this “Offer to Purchase” document shall be submitted

- **By Email to:** Informaltendering@eskom.co.za

Please note: **Tenders may ONLY be submitted at this address only.**

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Please note the following rules with respect to the OLT system (Informal Tendering)

- a. Please ensure that the email subject line only contains the OLT2112174 Enquiry number as per heading and no other information. Do not add any text to the subject line. Do not add any space in between the prefix and the enquiry number.
- b. Ensure that all files submitted is in a PDF format.
- c. Ensure that the enquiry number is stipulated in the subject line on all e- mails if multiple emails are sent
- d. Ensure that you receive a confirmation email after submitting your documentation. Please follow up immediately via the email address of the respective asset disposal officer if you did not receive this.
- e. Maximum attachment size per email is 10MB. It is the supplier's obligation to ensure that the attachments per email do not exceed this limit.
- f. Please note closing date and time on the RFQ. Your submission will not be evaluated if it is received after the closing date and time of the RFQ.
- g. All tender returnables/documentation must be submitted to Informaltendering@eskom.co.za only. E-mails to any other address (except for clarifications) will not be accepted. Failure to comply these rules will result in your tender being disqualified.

Requests for Clarifications must be sent in writing to the respective asset disposal officer at nkanyan@eskom.co.za and not to Informaltendering@eskom.co.za. All requests for clarifications and responses must be in writing. Eskom will respond to requests for clarification received within one (1) – two (2) working days before the tender closing deadline, depending on the enquiry duration and complexity.

The closing time is 10:00am on 08 May 2024 .

ALL OFFERS TO PURCHASE ARE TREATED AS CONFIDENTIAL!

NO LATE OFFERS WILL BE ACCEPTED!


2. STANDARD CONDITIONS OF TENDER




- Please quote the tender enquiry number on all correspondence.
- Please take note of the STANDARD CONDITIONS OF TENDER, noted in this letter and any amendments that accompany the TENDER ENQUIRY **OLT2112174** The tenderer should understand that his / her signed Offer to Purchase serves as his legal agreement to the Standard conditions of tender.

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STANDARD CONDITIONS OF TENDER	AGREEMENT 37.2	Contractor Health and Safety Requirements
 Eskom_Standard_Conditions_of_Tender_...	 Microsoft Word 97 - 2003 Document	 Contractor Health and Safety Requireme

3.TENDER RETURNABLES

The tenderers must submit valid and completed returnable set out hereunder as part of its tender and if they are not included by tender deadline, the tender will be disqualified from further evaluation).

LIST OF TENDER RETURNABLES:

Tender returnable documents.

No.	Returnable From Suppliers	Returnable required at Tender Closing (Disqualified)	Returnable required at Tender closing (non-disqualified)	Returnable required prior to Contract Award
1.	Offer to purchase form (price schedule attached and comments to price schedule)	✓		
2	Affidavit (on DTI Template) confirming that the B-BBEE Contribution level of the entity. B-BBEE Verification Certificate from Accredited verification agency □			✓

Tenders must be submitted strictly in accordance with the requirements stipulated above together with the completed offer to purchase form.

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4. SCOPE OF WORK / SPECIFICATIONS

The scope of work includes the purchase, collection and removal of various scrap materials from Kendal Power Station:

- The successful tenderer will be required to pay upfront the total amount and collect all units within 7 working days from the issue date of the approved work instruction / task order.
- The successful tenderer is expected to pay in full the total price for all units indicated on the Eskom Disposal agreement.
- The successful tenderer is required to have sufficient capacity and resources to service this disposal agreement at any given point from any given site within the contractual term as quantities of the units.
- The successful tenderer is accountable to clean the site once the collections is completed and ensure the area is cleaned should there be an oil spill.
- The order is for a various scrap material which must be purchased by the successful tenderer according to Eskom's list.
- Only tenders that comply with the above conditions can submit their responses.

The goods on sale will be identified by Eskom.

NOTES

- Eskom will not be responsible for any damages or losses suffered during the removal of the equipment incurred while working on this project arising from theft, damage or personal injury.
- You will be required to adhere to the condition as laid out by the Eskom site agent with regards to site access etc.
- Littering is prohibited at all times. Facilities will have to be made available on site during dismantling operations for the collection of disposal waste material. No rubble whatsoever is to be left on site.
- Additional precautions must be taken when using cutting equipment. Portable fire fighting equipment must be available on site during all stages of the work programme.
- You will be required to be put on an Eskom permit, prior to commencement of and work. After completion of the work, it is imperative that you notify the Eskom site agent, so that the job can be signed off.
- All work must comply with the OHS Act no 85 of 1993. All Safety requirements and documentation shall be available on the site
- Any oil spills caused during the work programme will need to be rehabilitated by the successful contractor.
- This is a once off tender

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i. No accommodation will be allowed on site.

j. Eskom will not be responsible for any damages or losses suffered during the removal of the equipment/scrap incurred while working on this project arising from theft, damage or personal injury.

k. You will be required to adhere to the condition as laid out by the Eskom site agent with regards to site access etc.

l. The successful tenderer will have to build in their rigging costs as well as transportation cost and any other equipment.

5. FINACIAL EVALUATION

a. The following criteria and their individual weight in % will be used for the evaluation of price.

Evaluation Criteria	Weighting
Financial – Best price	80%
B-BBEE	20%

NOTE:

Eskom’s commercial process will be followed and this process is dependent on the decisions made by the different Eskom Adjudicating authorities

6. PRICE SCHEDULE

For costing purposes the following table and text messages have been compiled. Please bear in mind that each material classification is for a type of scrap and you must factor your costs into your prices.

THE RAND RATE PER ITEM WILL BE DETERMINED AFTER EVALUATION

For each disposal transaction the rand price will be calculated by the Final Bid Price per item ex vat.

No.	Item	Quantities	Unit Price
1	Machine Shake RRBT24	One (1)	
2	Machine Shake RRBT14	One (1)	

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No.	Item	Quantities	Unit Price
3	Meter Manometer RRBT04	One (1)	
4	Meter Manometer RRBT05	One (1)	
5	Meter Manometer RRBT06	One (1)	
6	Meter Manometer RRBT26	One (1)	
7	Meter Pyrometer Optical RRBT82	One (1)	
8	Meter Pyrometer Optical RRBT192	One (1)	
9	Booster Pump KE01172	One (1)	
10	Booster Pump KE01173	One (1)	
11	Anemometer RRBT31	One (1)	
12	Gauge Pressure 16 MPA RRBT61	One (1)	
13	Gauge Pressure RRBT66	One (1)	
14	Gauge Pressure 4 MPA RRBT70	One (1)	
15	Gauge Pressure RRBT72	One (1)	
16	Manometer RRBT83	One (1)	
	Total	16 (Sixteen)	

The tenderer proves their full intention and will to purchase the various scrap materials located at Kendal Power Station (Mpumalanga) “VOETSTOOTS” “AS IS” for their price as will be offered.

hereafter referred to as the total offer prices, excluding VAT, remittances in respect of the agreement are to be made payable to Eskom Holdings SOC Limited, and are to be paid within five (5) working days after sale, All payments due and payable to Eskom shall be by bank cheque or electronic bank transfer only.

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7. SHE Requirements

The following Minimum OHS -related requirements that bidders must address and respond to when submitting their tender returnable are as follows:

7.1 Health and Safety Requirements

Ref	Eskom Health and Safety Requirements Checklist	Proof Required	
		Yes	No
A	OHS Legal Requirements to be met by Contractors at Execution Stage		
1.	1. Registration with South African Police Services <ul style="list-style-type: none"> Proof of registration as Second-hand dealer 	✓	
	<ul style="list-style-type: none"> Proof of registration as Recycler 	✓	
2.	2. Acknowledgement of Eskom's SHE rules, Is the acknowledgement of Eskom's SHE rules, and requirements form (Annexure B) . Acknowledgement form must be fully completed, i.e. MD/CEO signature and the two witnesses (compulsory	✓	
3.	3. SHE Competency; proof of the following training certificates. <ul style="list-style-type: none"> First aid level 2, Risk Assessor 	✓	
4.	4. OHS Legal Appointment letters for the following persons <ul style="list-style-type: none"> First aid level 2, Risk Assessor 	✓	
5.	5. Occupational, Health and Safety Plan (OHS Plan) <ul style="list-style-type: none"> This must be relevant to the Scope of work. 	✓	
6.	6. Health and Safety Policy signed by the CEO or MD, <ul style="list-style-type: none"> Company Health and safety Policy signed by CEO or MD. The Health and safety Policy statement must be actionable. 	✓	
7.	7. Occupational Health programme	✓	

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<u>Ref</u>	<u>Eskom Health and Safety Requirements Checklist</u>	<u>Proof Required</u>	
		<u>Yes</u>	<u>No</u>
	<ul style="list-style-type: none"> Valid Medical Fitness Certificate for all involved employees issued by the Occupational Medical Health Services/practitioner 		
8.	Substance Abuse Management <ul style="list-style-type: none"> Provide a Substance Abuse Procedure indicating how would you manage Substance Abuse during working hours 	✓	
9.	Valid Letter of Good Standing or equivalent, i.e. COID, RMA or FEMA, <ul style="list-style-type: none"> Your COID must depict the correct/ relevant nature of business, e.g. Scrap Metal Dealer etc. Copy must be certified not older than 3 months at the date and time of the tender closing 	✓	
10	Baseline Risk Assessment <ul style="list-style-type: none"> Risk assessment should address all activities involved in collecting scraps.) 	✓	

7.2. Environmental Requirements

Number	Environmental Management System (EMS) Requirements	
1.	Environmental Policy	Environmental policy signed by top management (CEO / managing director), dated and version controlled. Policy must commit to compliance to all relevant legislation/laws, Pollution prevention and continual improvement.
2.	Emergency preparedness plan (EPP)	Emergency preparedness procedure/plan specific to environmental emergencies, with emergency contact details
3.	Waste Management strategy/Plan	Waste management plan on how waste collected/bought will be Handled, Stored, Transported, Recycled, reused will be managed. Note: Parts of the scraps that will be disposed should be done at licenced Municipal landfill sites

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8. GUARANTEE / WARRANTY

Eskom Holdings SOC Limited gives no guarantee or warranty to the workability or condition of the equipment for sale, other than allow each buyer to familiar themselves at the site prior to tendering in terms of the Consumer Protection Act. All equipment will be sold "Voetstoots".

9. OFFERS

Offers received for this tender will be deemed valid for a period of THREE (3) months (90 days) from tender closing date.

Eskom reserves the right not to accept the lowest or any tender / offer or withdraw any item it wishes to retain.

The successful purchaser will be notified.

10. VARIATION

No variation or modification of the proposed agreement shall be in force, unless the same is confirmed in writing.



Yours Faithfully

Ntsako Nkanyana
Investment Recovery
Procurement & Supply Chain Management

ENQUIRY NO: OLT2112174
CLOSING DATE: 08 May 2024
CONTACT PERSON: Ntsako Nkanyana
Email: nkanyan@eskom.co.za

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NB! A bidder who has an existing or expired contract with Eskom and has defaulted in terms of that contract will be disqualified and not be awarded a new contract.

A bidder who has an open non-conformance will be disqualified and not awarded a new contract

This tender proof the tenderer is fully aware of the condition of the tender and the price they have offered on the tender proofs their full intention and will to purchase the scrap “VOETSTOOTS” as is for their price as offered.

Please provide full and proper details according to the requirements below. Incomplete or unclear Tender Documentation can be rejected.

OFFER SUBMITTED BY - NAME :SIGNATURE:.....

Date: CELL: E- mail.....

Who are legally authorized to provide this tender on behalf of:

BUSINESS NAME:.....CSD NUMBER:.....

BUSINESS ADDRESS:.....

TEL:.....

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ANNEXURE A: SBD4

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

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**

2.3.1 If so, furnish particulars:

.....

¹ 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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3 DECLARATION

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

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or 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 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.
- 3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

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

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

.....
Signature Date
.....
Position Name of bidder

² 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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ANNEXURE B

INTEGRITY DECLARATION FORM

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

DECLARATION OF INTEREST

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

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


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

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

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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.

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

1. If any employee/director/member/shareholder/owner of tenderer/s is also currently employed by Eskom, state whether this has been declared and whether there is authorisation(Y/N) to undertake remunerative work outside public sector employment and attach proof to this declaration. _____
2. Do the tenderer/s and other tenderer in this tendering/RFP process share a controlling partner or have any relationship with each other, directly or through common third parties? (Y/N) If Yes, attach proof to this declaration.

2. DECLARATION OF FAIR TENDERING PRACTICES

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

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

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

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

Item	Question	Yes	No
1.1	<p>Is the <i>tenderer/s (or any of its directors/members/shareholders)</i> listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector</p> <p><i>[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].</i></p> <p>The Database of Restricted Suppliers can be accessed on the National Treasury's website (www.treasury.gov.za).</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 (www.treasury.gov.za).</p>		
1.3	<p>Was the <i>tenderer/s (or any of its directors/members/shareholders)</i> convicted by a court of law (including a court outside South Africa) for fraud and/or corruption with respect to the procurement/tendering processes/procedures during the past five years?</p>		
1.3.1	Provide details.		
1.4	<p>Was the <i>tenderer/s(or any of its directors/members/shareholders)</i> prohibited from doing business with any International Financial Development/funding Agency or Lending Institution</p>		
1.5	<p><i>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?</i></p>		

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		Review Date	June 2024		

3. DECLARATION OF SHAREHOLDING INFORMATION

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

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

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

Individuals:

Full Name	Identity Number	Shareholding Percentage

Other Entities*:

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

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

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

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

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

Signature:	
Designation and capacity in which signing	
Date:	

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Joint Ventures

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

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

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

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


Signature:	
Designation and capacity in which signing	
Date:	

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

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ANNEXURE C: AUTHORITY TO SUBMIT A TENDER

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

A COMPANY	B CLOSE CORPORATION	C PARTNERSHIP	D JOINT VENTURE	E SOLE PROPRIETOR
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

A. Certificate for company

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

Signed:	Date:
Name:	Position: (Chairman of the Board of Directors)

B. Certificate for close corporation

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

Signed:	Date:
Name:	Position: (Member)

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C. Certificate for partnership

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

Name	Address	Signature	Date

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

D. Certificate for Joint Venture

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

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

Furthermore we attach to this Schedule a copy of the joint venture agreement which incorporates a statement that all partners are liable jointly and severally for the execution of the contract and that the 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.

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

E. Certificate for sole proprietor

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

Signed:	Date:
Name:	Position: (Sole Proprietor)

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ANNEXURE E

SECTION 37(2) AGREEMENT

CONCLUDED BETWEEN

Eskom Holdings SOC Limited

AND

.....

(Name of contractor/supplier)

I,[*insert name of person representing contractor/supplier company*]representing [*insert name of contractor/supplier*], do hereby acknowledge that [*insert name of contractor/supplier*] is an employer in his/her own right, with duties as prescribed in the Occupational Health and Safety Act No. 85 of 1993 (“the Act”), as amended, and agree to ensure that all work will be performed and/or machinery or plant used in accordance with the provisions of the Act.

I undertake that [*insert name of contractor/supplier*] shall strictly adhere to, and ensure that his/her employees adhere to, the provisions of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).

I have been provided with SHE specifications for project/service[*insert brief details of project/service, for example, name, contract/project number*] and will comply with the requirements set out in these.

I accept and agree that the SHE specifications constitute arrangements and procedures between (*insert name of contractor/supplier*) and [*insert name of subsidiary or Eskom Holdings SOC Limited*] which will ensure compliance by [*insert name of contractor/supplier*] with the provisions of the Act, as contemplated in section 37(2) of the Act.

This agreement constitutes the sole agreement between the parties, and no variation, modification, or waiver of any of the provisions of this agreement or consent to any departure from these shall, in any manner, be of any force or effect, unless confirmed in writing and signed by both parties, and such variation, modification, waiver, or consent shall be effective only in the specific instance and for the specific purpose and to the extent for which it was made or given.


This agreement is signed on behalf of the parties, each signatory to this warranting that he/she has the requisite authority to do so.

Signed this day of 20 at

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..... (Place)

(Full Name)..... (Signature)on
behalf of **(Contractor/supplier)**

Contractor Responsible Manager (responsible for signing the contract
on behalf of the contractor/supplier)

Witnesses

1.
2.

Signed this day of 20 at (Place)
(Full name..... (Signature) on

behalf of [insert name of subsidiary or Eskom Holdings SOC Limited]
(Contracts and/or Project Manager or Representative)

Witnesses

1.
2.

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