	Invitation to Tender	Document Identifier	240-114238630	Rev	16	
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		Review Date	February 2028			

ESKOM HOLDINGS SOC LTD

INVITATION TO TENDER

FOR


THE PRE-QUALIFICATION OF THE ORIGINAL EQUIPMENT MANUFACTURERS (OEM) FOR THE MANUFACTURE, SUPPLY, AND DELIVERY OF ESTIMATED REQUIREMENTS OF CONCENTRIC CABLE (6 MM²) TO ESKOM DISTRIBUTION DIVISION ON AN “AS AND WHEN” REQUIRED BASIS FOR A PERIOD OF ONE (1) YEAR.

Tender number	MWP2529DX
Issue date	06 May 2024
Closing date and time	30 May 2024 at 10h00 am South African Standard Time
Tender validity period	12 Weeks from closing date and time
Clarification meeting	21 May 2024, 10h00 on MS Teams Tenderers interested to participate in the clarification meeting through online Microsoft teams must click on the link below: Click here to Join the meeting
Tenders are to be delivered to the following address on the stipulated closing date and time:	Eskom Megawatt Park Tender Advice Centre (Opposite Newtons Conference Centre) 1 Maxwell Drive, Sunninghill Sandton Tender Office, Retail Centre, Johannesburg

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Invitation to a Pre-Qualification Process

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a tender for the pre-qualification of the original equipment manufacturers (OEMs) for the manufacture, supply, and delivery of estimated requirements of Concentric Cable (6 mm²) to Eskom’s Distribution Division on an 'as and when' required basis for a period of twelve (12) months.

The procurement process will be based on a two-stage pre-qualification process as follows:

- **Stage One** - Involves pre-qualifying tenderers who comply with technical/functionality requirements including contractual requirements consisting of the following steps:

Step 1: Basic Compliance

step 2: Technical/Functionality Compliance

Step 3: Contractual requirements Compliance

- **Stage Two** - Involves issuing of competitive Request for Quotation (RFQ) to the pre-qualified tenderers/suppliers based on the forecasted requirements on an “as and when” required basis.

The following steps will be followed:

Step 1: Price and Preference Points/Specific Goals

Price

Price points will be calculated out of 80 or 90.

Preference Points/Specific Goals

A maximum of 20 or 10 points will be allocated to a tenderer for specific goals.

Step 2: Objective Criteria

The below will be used to evaluate tenderers on their compliance/non-compliance with the objective criteria:

1. Designated Sectors
2. Subcontracting
3. National Industrial Participation Programme (NIPP)

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


SDL&I objectives do not form part of scoring but commitments toward contractual obligations consisting of:

1. Transformation – BBBEE Improvement or Retention Plan
2. Local Procurement Content
3. Procurement spend on entities with a minimum 51% black ownership

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4. Jobs
5. Skills Development

Step 4: Purchase Order Award

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

1. Free of charge

Eskom has delegated the responsibility for this tender to the Eskom *Representative* whose name and contact details are set out in the Tender Data. A submission of a tender by you in response to this *Invitation* will be deemed as your acceptance of the Eskom Standard Conditions of Tender (to be accessed via www.eskom.co.za or attached hereto).

Tender documentation can be downloaded from the following acceptable websites:

1. <https://tenderbulletin.eskom.co.za/>
2. www.etenders.gov.za

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

Yours faithfully

N. Magama

Middle Manager Procurement
Distribution, GEMMA Cluster
Ms Noxolo Magama

Date: 03 May 2024

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This invitation is ONLY for the Original Equipment Manufacturers (OEMs), tenders from Distributors, Agents or OTHER will not be accepted.

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

Number	Description	Annexure/to be downloaded and attached	Attached (Y/N/ N/A)
1.1.1	*Acknowledgement form	Annexure A	Y
1.1.2	*Tenderer's particulars	Annexure B	Y
1.1.3	*Integrity Declaration Form (refer to www.eskom.co.za for the Supplier Integrity Pact that suppliers are required to download and read)	Annexure C	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	Completed NEC3 Supply Contract	Refer to Commercial Folder	Y
1.1.11	Technical documents: <ul style="list-style-type: none"> Standard: 240-61704085 Rev 3 Technical Evaluation Criteria: 240-125775345 Rev 3 Concentric Cable Buyer's Guide DDT 3140 - Standard 240-170001064 Rev 1 Governance Rules and Processes for Managing the Technically Evaluated and Accepted Products (TEAP) database in Eskom Distribution 	Refer to Technical Folder	Y Y Y Y
1.1.12	Safety and Health <ul style="list-style-type: none"> Annexure C 3: OHS Tender Evaluation Template 240-43921898 Rev 5 OHS Specification: 240-73418055 Rev 2 Baseline/Project Risk Assessment 240-51017565 Rev 0 Annexure B: Eskom Acknowledgement Form for OHS 	Refer to Safety and Health Folder	Y Y Y Y

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	legal and other requirements, 240-43921804 Rev 5.		
1.1.13	Environmental Requirements: Environmental Policy	Refer to Environmental Folder	Y
1.1.14	Quality Requirements <ul style="list-style-type: none"> • Supplier Quality Management 240-12248652 Rev 7 • FORM A, 240-68099512 Rev 9 • Supplier Quality Management Specification, 240-105658000 Rev 3 • Quality Control Plan / Inspection and Test Plan (QCP/ITP) 240-109253302 Rev 2 • Template for a Typical Contract Quality Plan 240-109253698 Rev 3 	Refer to Quality Folder	Y Y Y Y
1.1.15	SDL&I Requirements <ul style="list-style-type: none"> • SDL&I "Bidders Template • Medical Certificate for confirmation of permanently disabled status 	Refer to SDL&I Folder	Y Y
1.1.6	Due Diligence Requirement	Refer to Due Diligence Folder	Y
1.1.7	Commercial <ul style="list-style-type: none"> • Authority to Submit a Tender • Eskom Standard Conditions of Tender 240-62044728 Rev 11 • Supplier Integrity Pact 240-113650212 Rev 2 • Invitation to Tender 240-114238630 Rev 16 • Non-Disclosure Agreement 240-63152171 Rev 4 • Supplier Declaration of Interest (DOI) 240-59385360 Rev 3 	Refer to Commercial Folder	Y Y Y Y Y Y

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1.2 The Tender Data makes several references to the **Eskom Standard Conditions of Tender Document 240-62044728 Rev.11** attached hereto and, in those instances, the clause numbers are referenced hereunder.


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 Eskom Holdings SOC Ltd</p> <p>The Eskom <i>Representative</i> is: Name: Ms Kebone Mogase Tel: 011 800 3214 E-mail: mogasekk@eskom.co.za</p>
1.3 Enquiry documents	<p>The Invitation to tender number is: MWP2529DX</p> <p>See the content list above for the enquiry documents.</p>
1.4 Type of Invitation to Tender	<p>This invitation to tender is an open Invitation to tender.</p>
1.6 Eskom's rights to accept or reject any tender.	<p>The tender shall be for the whole/parts of the contract. (Whole refers to full scope of work (all the items) and part refers to part of the scope of work (some of the items)).</p> <p>Manufacturers may tender for any single item or multiple items or all items for the Concentric Cable (6 mm²) per Technical Standard 240-61704085 Rev 3 and DDT 3140 Buyer's Guide.</p>
2.1 Eligible tenders	<p>Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture) complies with the <i>eligibility criteria</i> stated in the Tender Data and the tenderer, or any of his principals, is not under any restriction to do business with Eskom/State Owned Companies.</p> <p>Tenderers are deemed ineligible to submit a tender if</p> <ol style="list-style-type: none"> 1. Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be deemed to have the nationality of a country if the tenderer is a national or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also apply to the determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services. 2. Tenderers submit more than one [tender/proposal] either individually or as a partner in a joint venture (JV) or consortium

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	<p>3. [Tenders/proposals] submitted by a JV or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms.</p> <p>4. A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. A Tenderer may be considered to have a conflict of interest with one or more parties in this tendering process, if :</p> <ol style="list-style-type: none"> 1. (a) they have a controlling partner/majority shareholder in common; or 2. (b) they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another Tenderer, or influence the decisions of the Employer regarding this bidding process; <p>5. Tenders signed by non- authorized persons</p> <p>6. Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers)</p> <p>7. Any tenderer that is restricted by National Treasury</p> <p>8. Any tenderer on the Tender Defaulters list.</p> <p>9. A tenderer that sub-contracts 100% Scope of Work.</p> <p>Ineligible tenderers will be disqualified.</p>
2.2 -2.5 Tender Closing	<p>The deadline for Tender submission is:</p> <p>Date: 30 May 2024 Time: 10H00am South African Standard Time</p> <p>Late Tenders will not be accepted.</p> <p>Tenders are to be submitted to the Eskom <i>tender box</i> at the following physical address:</p> <p>THE TENDER OFFICE</p> <p>Eskom Megawatt Park Tender Advice Centre (Opposite Newtons Conference Centre) 1 Maxwell Drive, Sunninghill Sandton Tender Office, Retail Centre, Johannesburg</p> <p>NB: No emailed or faxed tenders will be accepted. Tenders must be hand delivered to the above address.</p>

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2.9 Copy of original tender	<p>The tenderer must submit the tender as a Complete Original Tender, plus one (1) Exact hard copy of the original tender at tender submission deadline. Eskom also requires that one (1) additional complete soft copy of the original tender is required in electronic format. Submission of tenders is summarized as follows:</p> <ul style="list-style-type: none"> • Complete Original Tender in hard copy, • plus 1 complete hard copy of the Original Tender (EXACT same copy of the original tender). • <i>and 1 soft copy (USB) labelled in the same format as the original tender.</i> <p><i>Necessary controls around the receipt, storage and verification of information submitted electronically (such as the format, password protection, and verification of information) must be specified in the Tender Data to ensure the security of electronic submissions.</i></p> <p><i>All these tender documents must be submitted at tender submission deadline.</i></p> <p>The files should be labelled as follows:</p> <p>TENDER NO: MWP2529DX CLOSING DATE: 30 May 2024</p> <ul style="list-style-type: none"> • Commercial • SDL&I • Technical • Quality • SHE (Safety, Health and Environment) <p>NB: <i>Where a Tenderer does not submit 1 hard copy of the original tender at tender submission deadline, the tenderer will be disqualified</i></p>
2.13 Tender Validity Period	The tender validity period is 12 Weeks
2.16 Site/clarification meetings	<p>A Non-Compulsory clarification meeting with representatives of the <i>Employer</i> will take place as follows:</p> <p>Date: 21 May 2024 Time: 09H00 am Venue: MS Teams</p> <p>Click here to Join the meeting</p> <p><i>Tenderers must confirm their intention to attend with the Eskom Representative stating the name, position and contact details of each proposed attendee.</i></p>

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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 i.e., 22 May 2024 before the deadline for tender submission.
2.23 Alternative tenders	Alternative tenders are <i>not allowed</i> .
2.31 Provision of security for performance	<p>Security for performance is required.</p> <p>The following bonds are required at stage 2 of the procurement process: -</p> <ol style="list-style-type: none"> 1. Parent company guarantee OR 2. Performance Bond (the names of two financial institutions that the tenderer will approach must be submitted with the tender).
3.4 Opening of tenders	<p>Tenders will be opened at the same date and time as the tender deadline.</p> <p>Tenders will be opened at and on: Place: MWP Tender Office Date: 30 May 2024 Time: 10H00am or shortly thereafter.</p>
3.5 Prices to be read out	<i>Prices are not applicable for stage one of the process in this enquiry.</i>
3.9 Basic Compliance	<ol style="list-style-type: none"> 1. Meet the eligibility criteria for a tenderer 2. Original Equipment Manufacturers (OEM's). Tenders from Distributors or Agents will not be accepted. 3. The tenderer must submit the tender as a Complete Original Tender, plus one (1) Exact hard copy of the original tender at tender submission deadline. 4. Submission of the mandatory tender returnables as at stipulated deadlines per tender returnable check list. 5. Tender Returnable List will be used as a Checklist for basic compliance. 6. Central Supplier Database (CSD) number (MAA.....) <p>Tenderers who do not meet this requirement will not be evaluated further.</p>
3.10 Mandatory tender returnables	A tenderer that does not submit mandatory documents/information required in mandatory documents by <u>the required deadlines</u> as stipulated in the Tender Returnable section of the respective Invitation to Tender; will be deemed non-responsive.
3.13 Functionality requirements	<p>Functionality requirements <i>are applicable</i>.</p> <p>The evaluation methodology will include two main parts, namely the documentation evaluation and the factory evaluation.</p>

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Part 1 - Documentation Evaluation

The documentation evaluation exercise is performed by the Eskom evaluating representatives. This initial part of the evaluation starts when submissions are opened and assessed for the first time. The submitted documents will be evaluated against the evaluation criteria as stated below.

The documentation evaluations are meant for establishing if all the key tender deliverables are met. The documentation evaluation will consist of two sections: Technical evaluation requirements Level 1 (basic compliance) and scoring phase (level 2). The Level 2 constitutes a total of 100% of the total technical evaluation score and the threshold is 90%. Manufactures/supplier shall have to achieve 90% to be considered for factory and sample verification.

The tender submission must meet all the level 1 (basic compliance) requirements. Failure to meet all the basic compliance will result to disqualification.

Once a tenderer gets a “No” at Level 1 it becomes an automatically disqualification and when it is all “Yes” then proceed to a Level 2 scoring.

Part 2 - Evaluation at factory and Sample verification

The factory evaluations are only performed on the submissions that have met all the basic compliance requirements at level 1. Eskom Commercial shall make the arrangements for factory visits and ensure the technical representatives are invited on time.

The sample verification exercise is performed by Eskom technical representatives. Verification of a sample shall be performed using sample verification scoring method in Annexure A. A score of 80% shall be achieved during factory sample evaluation for a product to be considered compliant.

The factory evaluation will consist of the cable manufacturing plant evaluation (i.e. Design capability, type tested compounds, extrusion lines, manufacturing plant, processes, sample, and routine testing, etc.).


The following areas shall be during evaluation at the factory:

- a) Design capability
- b) Raw material and compounds type tested.
- c) Extrusion lines type tested.
- d) Production process and critical check points.

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	<p>e) Design and software design capability. f) Material handling and storage. g) Testing facilities including certification and calibration of testing equipment. h) Sample testing and procedures. i) Routine testing procedures. j) Packaging of materials and drums</p> <p>At the end of this exercise, the Eskom evaluating representative(s) list all the deviations and identified risks if any. The representative conducts a formal discussion of the deviations and risks in line with Eskom's requirements.</p> <p>Technical Evaluation for concentric cable (6 sq mm-tinned Cu and coated steel: level 1 Technical Evaluation Requirements (Refer to a detailed Technical Evaluation Criteria for 6 sq mm (tinned cu and coated steel) concentric cable Report 240-125775345 Rev 2. attached in the Technical folder.)</p> <p>Technical evaluation criteria for concentric cable (6mm sq tinned Cu and coated steel – Level 2 score (Refer to a detailed Technical Evaluation Criteria for 6 sq mm (tinned cu and coated steel) concentric cable Report 240-125775345 Rev 2. attached in the Technical folder.)</p> <p>The cable manufacturers are to complete technical schedule B aligned with 240-61704085 as part of the tender deliverables.</p>
3.14 Pre-Qualification of Tenderers	<p>Establishment of a List of Pre-Qualified Tenderers</p> <p>The following will be used to establish a list of pre-qualified tenderers who met technical/functionality pre-qualification criteria and contractual requirements in the first stage of the process.</p> <p>Technical/Functionality Tenderers will be required to comply with technical requirements as detailed in the Standard 240-61704085 Rev.3, DDT 3140 Buyer's Guide and evaluation criteria 240-125775345 Rev.2</p> <p>Quality Tenderers will be required to comply with quality requirements as detailed in specification QM 58: 240-105658000 Rev 3.</p> <p>SHE Tenderers will be required to comply with SHE requirements detailed in the OHS Specification 240-73418055 Rev 2.</p>

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Environmental Requirements

The following documents are requested as per the scope of work:

- Environmental Policy (or SHEQ Policy) must be NAMED SIGNED the by CEO or a Managing member of the contract company.
- Commitment to: compliance to South African & Eskom environmental compliance obligations; and,
- Environmental duty of care, prevention of pollution & environmental degradation.

Contractual requirements

NEC3 Supply Contract (SC) April 2013 will be established with successful manufacturers according to the outcome of stage one process. Failure to meet Contractual Requirements by the stipulated deadlines will result in the tenderer being regarded as non-responsive and ineligible for a contract award.

The contract terms and conditions will be as follows:

1. NEC3 (SC) Contract

- Core clauses: 1 - 9
- and the clauses for Options: X2: Changes in the law
X3: Multiple Currencies
X4: Parent company guarantee OR
X13: Performance bond
X7: Delay damages

Z Clauses: Additional terms and conditions of contract (Z1-Z15)

2. Tax Clearance certificate

A certified copy of a tax clearance certificate is still required from tenderers (who have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number).

3. Financial Statements

A financial analysis will be carried out by Eskom to assess the financial viability of the tenderer and its ability to meet its contractual obligations for the duration of the contract.


4. BBBEE Certificate

A valid B-BBEE certificate issued by a SANAS accredited verification agency/sworn affidavit /CIPS affidavit. All tenderers must at a

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	<p>minimum maintain their B-BBEE status throughout the contract period.</p> <p>5. Other Commercial Documents not limited to the list</p> <ul style="list-style-type: none"> - Authority To Submit a Tender - Non-Disclosure Agreement (NDA) vendors - Supplier Declaration of Interest (DOI) - Integrity Pack
3.15 Evaluation of price	<p>Not applicable at stage one of this process. However, it will be applicable at stage 2. Price points will be calculated out of 80/90, evaluated price including VAT. The preference points will be determined by the estimated value of the RFQ.</p> <p>Preferential Procurement Regulation 2022 (PPR 2022) will be used.</p> <p>Subject to section 2(1)(f) of the Preferential Procurement Policy Framework Act, the contract must be awarded to the tenderer scoring the highest points.</p>
3.17 Evaluation of Specific Goals	<p>Not all will be applicable at stage one. However, it will be applicable at stage 2.</p> <p>A maximum of 10 or 20 points will be allocated to a tenderer for specific goals in accordance with Preferential Procurement Regulation 2022 (PPR 2022).</p>
3.18 Ranking of tenders	<p>Not applicable at stage one. However, it will be applicable at stage 2.</p> <p>Tenderers will be ranked by applying the preferential point scoring based on the relevant system as stipulated hereunder:</p> <p>The points scored for specific goals must be added to the points scored for price and the total must be rounded off to the nearest two decimal places.</p>
3.19 Objective Criteria (if applicable)	<p>Not all applicable at stage one. However, it will be applicable at stage 2. The below will be used to evaluate tenderers on their compliance/non-compliance with the objective criteria:</p> <p>(1) Designated Sectors</p> <p>Electrical cable products are identified as designated materials. The designation specifies a minimum threshold of 90% for associated materials for local production and content.</p> <p>(2) Subcontracting</p>

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	<p>The actual percentage allocation towards subcontracting will be discussed at stage 2 of the process.</p> <p>(3) National Industrial Participation Programme (NIPP)</p> <p>“NIPP is a programme that seeks to leverage economic benefits and support the development of South African industry by effectively utilising the instrument of government procurement. The NIPP programme is mandatory for all government and parastatal purchases or lease contracts (goods and services) with an imported content equal to or exceeding USD 5 million.</p> <p>“All tenders with an import content that is equal to or exceeds the threshold of USD 5 million compels the winning bidder to negotiate and enter into a NIPP obligation agreement with the dtic before signing the contract with Eskom.”</p> <p>Please note: -</p> <ul style="list-style-type: none"> • 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. • Functionality and elements of Contractual requirements must not be used as objective criteria.
3.20 Reverse e-auction (if applicable)	Not Applicable for this enquiry.
Contractual Requirements	<p>Contractual Requirements include the following:</p> <ol style="list-style-type: none"> 1. NEC 3 SC terms and conditions 2. SHEQ 3. Valid BBBEE Certificate and Central Supplier Database (CSD) Certificate/Report with number (MAA.....) 4. Financial Statements 5. Any other as stipulated in the enquiry documents for contractual purposes. <p>Please Note:</p> <p>Contractual requirements are not evaluation criteria. They are required to be met and assessed after the evaluation of the tenders. Proof that the tenderer recommended for award (on the basis of objective criteria) is able to meet the contractual requirements, must be submitted prior to contract award.</p> <p>Failure to meet “Contractual Requirements ”within 5 working days; may result in the tenderer being regarded as non-responsive and ineligible for contract award.</p>

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2.25 Contractual Condition	<p>The conditions of contract will be the <i>NEC3 Supply Contract (SC)</i>.</p> <p>The prequalified suppliers will be appointed via NEC3 contract terms and conditions, thereafter, following an RFQ process, the successful tenderer for the particular RFQ will be appointed via the Purchase Order terms and conditions referencing the main NEC3 Supply Contract.</p>
CIDB Requirements (where applicable for Engineering and Construction Works Contracts)	Not Applicable for this enquiry.

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.

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

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


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

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

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1.3 TENDER RETURNABLES

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

NOTE:

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

**** Returnable required at Tender closing. (Non-disqualifiable) – These returnable are also required to be fully completed, signed (if required on the returnable) and submitted with Tender at Tender closing date and time, however, if not submitted by Tender closing, the Procurement Practitioners must request in writing the outstanding returnable to be submitted within 5 working days. If the requested returnable are not fully completed, signed (if required on the returnable) and/or received by the Procurement Practitioner within 5working days of the request; the tender must be disqualified.**

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

Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable) **	Returnable required prior to Contract Award.
Basic Compliance	<ul style="list-style-type: none"> Complete Original tender with commercial, Due diligence, Environmental, Quality, Safety and Health, SDL&I and Technical 	✓		
	<ul style="list-style-type: none"> One (1) hard Exact copy of the Original tender 	✓		
	<ul style="list-style-type: none"> One (1) additional complete soft copy (USB) of the original tender is required in electronic format. 		✓	

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	Supplier Declaration of Interest (DOI)			✓
	Non-Disclosure Agreement (NDA) vendors			✓
	Authority To Submit a Tender		✓	
Annexure A	Acknowledgement Form		✓	
Annexure B	Tenderers Particulars		✓	
Annexure C	Integrity Pact Declaration form		✓	
Annexure G (applicable for all suppliers including Foreign suppliers)	SBD 1- to be completed and submitted by all tenderers.		✓	
Annexure I	SBD 4 – Bidders Disclosure		✓	
Additional Documents required in event of JV:-	Letter of intent to form a JV/consortium or Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their 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.		✓	
	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.		✓	
Compliance with Employment Equity Act	To the extent that the tenderer falls within the definition of a “designated Employer” as contemplated in the Employment Equity Act 55 of 1998, the tenderer is required to furnish the Employer with proof of compliance with the Employment Equity Act, including proof of submission of the Employment Equity report to the Department of Labour. (South African tenderers only)			✓
Supply Contract NEC 3 (SC)	Completed NEC3 Supply Contract Document			✓
DOCUMENTS REQUIRED UNDER CONTRACTUAL REQUIREMENTS (WHERE CONTRACTUAL REQUIREMENTS ARE STIPULATED)				
Safety and Health	Annexure B Is the acknowledgement of Eskom's OHS legal and other requirements form signed and submitted by the tenderer?			✓
	OHS plan (Must address the project /scope of work OHS risk(s) and aligned with the health and safety specification or requirements)			✓

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	Baseline OHS Risk Assessment (BRA) Identification, assessment and management of OHS risks related to the scope of work. The methodology used for the risk assessment must be provided together with the BRA			✓
	Valid Letter of Good Standing (COIDA or equivalent)			✓
	OHS policy signed by CEO The submitted policy document must comply to OHS Act Section 7			✓
	Safe work Procedure <ul style="list-style-type: none"> Transporting of cables to site Offloading and loading of cables 			✓ ✓
	Annotation: This section is only applicable to suppliers/consultants/contractors that have been certified for an auditable OHS system.			
	Annexure B <ul style="list-style-type: none"> Is the acknowledgement of Eskom's OHS legal and other requirements form signed and submitted by the tenderer? ISO 45001 certificate or equivalent Valid Letter of Good Standing (COIDA or equivalent) 			✓ ✓ ✓
Quality	SECTION A: Quality Management System Requirements ISO 9001 (Option 1) Valid certification of Quality Management System by an ISO accredited body.			✓
	SECTION B: Evidence of QMS in operation (Tender Quality Requirements -Ref 240-105658000).			✓
	SECTION C: Contract Quality Plan Requirements (Ref 240-105658000 and 240-109253698).			✓
	Draft Contract Quality Plan specific to the scope of work as described in the tender documents (Ref ISO 10005).			✓
	SECTION D: Quality Control Plan Requirements (Ref 240-105658000 or 240-109253302)			✓
	SECTION E: User defined additional Requirements & miscellaneous (Ref 240-105658000)			✓
Environmental	<ul style="list-style-type: none"> <u>Environmental Policy (or SHEQ Policy)</u> must be NAMED & SIGNED the by CEO or a Managing member of the contractor company. 			✓
	MUST INCLUDE: <ul style="list-style-type: none"> Commitment to: compliance with South African & Eskom environmental compliance obligations; and, 			✓
	<ul style="list-style-type: none"> Environmental duty of care, prevention of pollution & environmental degradation. 			✓

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Due Diligence	<p>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.</p> <p>Tenderers must note that in the case of a joint venture or special purpose vehicle (SPV) especially formed for this tender, audited financial statements for each participant in the JV / SPV is required.</p> <p>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.</p>			✓
A valid B-BBEE certificate issued by a SANAS accredited verification agency/sworn affidavit/CIPS affidavit.	<p># proof of compliance is required.</p>			✓
Tax Clearance Certificates	<p>A certified copy of a tax clearance certificate is still required by Foreign suppliers (with a footprint in South Africa- but who are not on CSD and have not provided a SARS pin number) and Local suppliers (who have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number).</p> <p>Central Supplier Database (CSD) number (MAA.....)</p> <p>Foreign suppliers with no footprint in South Africa, must still complete the SBD1 document, however no proof of tax compliance is required.</p>			✓ ✓
DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHINICAL CRITERIA				
Technical (required for functionality scoring). Refer to Technical Standard 240-61704085 Rev 3, DDT 3140 Buyer's Guide and Technical Evaluation Criteria document	<p>1. Level 1 (Documentation exercise)</p> <ul style="list-style-type: none"> • Copies of test reports • Copy of a permit to apply submitted • Completed technical schedules A & B submitted • Cable dimensional data drawings submitted • Testing of the cable performed and passed at an accredited Testing facility. Provide proof <p>NB: Should the manufacturer fail to meet ONE of the above requirements they will be automatically disqualified.</p>	✓	✓	✓

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240-125775345 Rev 2.	<p>2. Level 2 (scoring) - for only submission that passed Level 1.</p> <p>Routine testing and type testing Weight: 40%</p> <ul style="list-style-type: none"> • Were tests performed in the last 10 years? Test reports submitted and are in English? • Are all tests compliant to Eskom standard? <p><i>For testing performed within the last 10 Years supplier gets 100% and loses 20 % for each additional year.</i></p> <p>Total</p> <p>Technical schedules for concentric cable (6 sq mm-tinned Cu and coated steel without communication wires, Weight: 5</p> <ul style="list-style-type: none"> • Correctness of completion i.e. no “TBA”, “Comply”, “Noted”, “supplied later” (“Noted” acceptable only when Eskom informs), completed technical schedule. <p>TNB: The technical schedules B are provided on the Annexures of the Concentric cable specifications.</p> <ul style="list-style-type: none"> • Negative marking is done and a penalty of 2 % is applicable for each incorrect completion deviation. • Negative marking is done and a penalty of 3 % is applicable for each deviation from meeting Eskom specification. <p>Drawings Weight for concentric cable (6mm sq-tinned Cu and coated steel without communication wires): Weight 6</p> <ul style="list-style-type: none"> • Drawing number • Revision number • Dimension of the cable • Detailed description provided in “Title” • Approved & date drawings • Marking of cable sheath drawing <p>Packaging Weight: 5</p> <ul style="list-style-type: none"> • Are cable drums made in accordance with Eskom specification 			
---------------------------------	---	--	--	--

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	<ul style="list-style-type: none"> Is marking drum done in accordance with Eskom specification <p>Note: full mark for Eskom compliance.</p> <p>The cable manufacturers are to complete technical schedule B aligned with 240-61704085 as part of the tender deliverables.</p>			
--	---	--	--	--

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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:

Cataloguing Acknowledgement:

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

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

4. I confirm that I am a Distributor/Importer/Agent and my Principal, being the Original Equipment Manufacturer (OEM) is or is not in the position to supply cataloguing information for items. See attached letter from OEM confirming his position.


Invitation to Tender No: _____

Name of company/JV: _____

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Country of registration: _____

Name of contact person: _____

Contact details of contact person:

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

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ANNEXURE B

TENDERER'S PARTICULARS

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

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

Please complete the following:

Name of lead partner/member in case of JV	
CIPC Registration Number or CIPC disclosure certificate (for each individual company / JV member)	
VAT registration number (for each individual company / JV member)	
CIDB registration number (for each individual company/JV member if applicable), respective contractor grading designation for each individual company/JV member , and combined cidb contractor grading designation (for JVs)	
Contact person	
Telephone number	
E-mail address	
Postal address (also of each member in the case of a JV)	
Physical address (also of each member of the JV)	


If subcontractors are to be used, indicate the following for the main sub-contractor(s). Add to the list of applicable.

Name of contractor	
CIPC Registration number or CIPC disclosure certificate	
VAT registration number	
CIDB Registration number (if applicable) and CIDB grade specified for the sub-contractor as may be stipulated in the Tender Data	
Proposed Scope of work to be done by sub-contractor	

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Contact person	
Telephone number	
Fax number	
E-mail address	
Postal address	
Physical address	

1. If you are currently registered as a vendor with Eskom, please provide your Vendor registration number with Eskom. _____
2. If you are currently registered as a vendor on the Treasury Central Supplier Database(CSD) please provide your supplier registration number with Treasury _____
3. Please note that it is mandatory for you to register on National Treasury's CSD, if you intend doing work with any State department or State owned entity/company.
4. You may register online at National Treasury website on www.treasury.gov.za
5. If you are registered on SARS Efiling system, please provide your pin number in order to verify your tax compliant status _____
6. If you are required to be tax compliant as per SBD 1, but are not registered on CSD (foreign suppliers) or have not provided your SARS Efiling pin, please confirm that you have attached/will send a copy of a current valid tax compliant certificate as a tender returnable (by contract award stage).

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

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

8.1 Confirm if you intend sub-contracting

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


8.2 What percentage will you be sub-contracting? _____%

8.3 To whom do you intend sub-contracting? _____

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8.4 Is the said sub-contractor registered on CSD?

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

8.5 If yes to 8.4, please provide CSD number. _____

8.4 Please confirm B-BBEE level of said sub-contractor _____

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

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

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

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

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

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

1. Single tenderers

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

Signature: _____


Designation: _____

Date: _____

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2. Joint Ventures

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

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

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

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ANNEXURE C

INTEGRITY DECLARATION FORM

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

DECLARATION OF INTEREST

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

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

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

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

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

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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.

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** 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>[Note: Companies/persons who are listed on the Database were informed in writing of this restriction by the Authority/Accounting Officer of the institution that imposed the restriction after the audi alteram partem rule was applied].</p> <p>The Database of Restricted Suppliers can be accessed on the National Treasury's website (www.treasury.gov.za).</p>		
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>Is there any history/record of the <i>tenderer/s (or any of its directors/members/shareholders)</i> failing to meet their contractual obligation with any SOC?</p>		

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3. DECLARATION OF SHAREHOLDING INFORMATION

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

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

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

Individuals:

Full Name	Identity Number	Shareholding Percentage


Other Entities*:

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

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

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

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

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

Signature:	
Designation and capacity in which signing	
Date:	

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.


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 G

SBD 1

**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR THE PRE-QUALIFICATION OF THE ORIGINAL EQUIPMENT MANUFACTURERS (OEM) FOR THE MANUFACTURE, SUPPLY, AND DELIVERY OF ESTIMATED REQUIREMENTS OF CONCENTRIC CABLE (6 mm²) TO ESKOM DISTRIBUTION DIVISION ON AN "AS AND WHEN" REQUIRED BASIS FOR A PERIOD OF ONE (1) YEAR.

BID NUMBER:	MWP2529DX	CLOSING DATE:	30 May 2024	CLOSING TIME:	10H00 am South African Standard Time
-------------	------------------	---------------	--------------------	---------------	---

DESCRIPTION
THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).

BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT:

**Eskom Megawatt Park
Tender Advice Centre (Opposite Newtons Conference Centre)
1 Maxwell Drive,
Sunninghill
Sandton
Tender Office, Retail Centre,
Johannesburg**

SUPPLIER INFORMATION

NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
	TCS PIN:		OR	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT <input type="checkbox"/> Yes <input type="checkbox"/> No		
IF YES, WHO WAS THE CERTIFICATE ISSUED BY?					
AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX	<input type="checkbox"/>	AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)			
	<input type="checkbox"/>	A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)			
	<input type="checkbox"/>	A REGISTERED AUDITOR			
		NAME:			

[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT (FOR EMEs& QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]

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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]
SIGNATURE OF BIDDER		DATE	
CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)			
TOTAL NUMBER OF ITEMS OFFERED	N/A YET	TOTAL BID PRICE (ALL INCLUSIVE)	N/A YET
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:		TECHNICAL INFORMATION MAY BE DIRECTED TO:	
DEPARTMENT/ PUBLIC ENTITY	ESKOM HOLDINGS SOC (PTY) LTD	CONTACT PERSON	ESKOM HOLDINGS SOC (PTY) LTD
CONTACT PERSON	MS KEBONE MOGASE	TELEPHONE NUMBER	MS KEBONE MOGASE
TELEPHONE NUMBER	011 800 3214	FACSIMILE NUMBER	011 800 3214
FACSIMILE NUMBER	N/A	E-MAIL ADDRESS	mogasekk@eskom.co.za
E-MAIL ADDRESS	mogasekk@eskom.co.za		

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PART B TERMS AND CONDITIONS FOR BIDDING


BID SUBMISSION:	
1.	BIDS MUST BE DELIVERED BY THE STIPULATED TIME: 10H00AM SOUTH AFRICAN STANDARD TIME TO THE CORRECT ADDRESS: ESKOM MEGAWATT PARK, TENDER ADVICE CENTRE (OPPOSITE NEWTONS CONFERENCE CENTRE), 1 MAXWELL DRIVE, SUNNINGHILL, SANDTON, TENDER OFFICE, RETAIL CENTRE, JOHANNESBURG. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
2.	ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE
3.	BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
4.	WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
5.	THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.
TAX COMPLIANCE REQUIREMENTS	
1.	BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
2.	BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
3.	APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
4.	BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.
5.	IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.
6.	WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS	
1.	IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <input type="checkbox"/> YES <input type="checkbox"/> NO
2.	DOES THE BIDDER HAVE A BRANCH IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.	DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
4.	DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.	

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

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ANNEXURE H

SBD 6.1

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 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

8. GENERAL CONDITIONS

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

1. To be completed by the organ of state

11. Either the **90/10 or 80/20 preference point system** will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

1. Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

12. Price; and
13. Specific Goals.

1. To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80/90
SPECIFIC GOALS	20/10
Total points for Price and SPECIFIC GOALS	100

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2. Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

3. The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

14. DEFINITIONS

15. “**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;
16. “**price**” means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
17. “**rand value**” means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
18. “**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
19. “**the Act**” means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

20. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

1. POINTS AWARDED FOR PRICE

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

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

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 \\
 \mathbf{P_s = 80 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right)} & \mathbf{or} & \mathbf{P_s = 90 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right)}
 \end{array}$$


Where

- P_s** = Points scored for price of tender under consideration
P_t = Price of tender under consideration
P_{min} = Price of lowest acceptable tender

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

1. POINTS AWARDED FOR PRICE

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

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

Where

- Ps = Points scored for price of tender under consideration
- Pt = Price of tender under consideration
- Pmax = Price of highest acceptable tender

21. POINTS AWARDED FOR SPECIFIC GOALS

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

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

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

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

The specific goals allocated points in terms of this tender (B-BBEE Levels)	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
1	10	20		
2	9	18		
3	6	14		
4	5	12		
5	4	8		
6	3	6		
7	2	4		
8	1	2		
Non-Compliant Contributor	0	0		

DECLARATION WITH REGARD TO COMPANY/FIRM

1. Name of company/firm.....
2. Company registration number:
3. TYPE OF COMPANY/ FIRM
 - Partnership/Joint Venture / Consortium
 - One-person business/sole propriety
 - Close corporation
 - Public Company
 - Personal Liability Company

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- (Pty) Limited
 - Non-Profit Company
 - State Owned Company
- [TICK APPLICABLE BOX]

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

- 24. The information furnished is true and correct;
- 25. The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- 26. 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;
- 27. If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - 1. disqualify the person from the tendering process;
 - 2. recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
 - 3. cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - 4. recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - 5. forward the matter for criminal prosecution, if deemed necessary.

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

SURNAME AND NAME:


DATE:

ADDRESS:

.....

.....

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Annexure I

SBD 4

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

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

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

2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise,

employed by the state?

YES/NO

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


Full Name	Identity Number	Name of State Institution

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.

Controlled Disclosure

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

2.2.1 If so, furnish particulars:

.....

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

1. If so, furnish particulars:

.....

3. DECLARATION

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

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

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

3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or 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

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

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

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

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

Signature	Date
Position	Name of bidder

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