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		<b>Effective Date</b>	February 2023			
		<b>Review Date</b>	February 2028			

**ESKOM HOLDINGS SOC LTD**

**INVITATION TO TENDER (ITT)**

**FOR**

**THE PROVISION OF FINANCIAL ADVISORY SERVICES (EXISTING PANEL AUGMENTATION) FOR 18 MONTHS, ON AND AN AS AND WHEN REQUIRED BASIS.**


**CORP: MWP2544CX**

<b>Tender number/ RFP number]</b>	<b>CORP: MWP2544CX</b>
<b>Issue date</b>	<b>07 May 2024</b>
<b>Closing date and time</b>	<b>05 June 2024 at 10h00</b>
<b>Tender validity period</b>	<b>180 days from the closing date and time</b>
<b>Clarification meeting</b>	<b>Non-compulsory clarification meetings will be held on 13<sup>th</sup> of May 2024 from 10h00 – 12h00.</b>
<b>Tenders are to be delivered to the following address on the stipulated closing date and time:</b>	<b>Eskom Megawatt Park Tender Office  Northside (Retail Centre)  Maxwell Drive  Sunninghill</b> <p><b>Eskom will not take any responsibility for any late submissions as a result of non-compliance to the tender delivery requirements.</b></p>

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### Invitation to Tender/Request for Proposal

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a tender for the provision of financial advisory services (existing panel augmentation) on an as and when required basis, over a period of 18 months. CORP: MWP2544CX.


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/proposal by you in response to this invitation to tender will be deemed as your acceptance of the Eskom Standard Conditions of Tender (to be accessed via [www.eskom.co.za](http://www.eskom.co.za)).

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

Yours faithfully




---

Leonard Moya

Middle Manager Procurement

Date: 06 May 2024

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

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

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

<b>Clause Number from Standard Conditions of Tender</b>	<b>Tender Data</b>
1.1 Parties	<p>The <i>Employer</i> is <b>Eskom Holdings SOC Ltd</b></p> <p>The Eskom <i>Representative</i> is:  Name: <b>Mohau Lesikara</b>  Tel: <b>+27 11 516 7117</b>  E-mail: <b>lesikamj@eskom.co.za</b></p>
1.3 Enquiry documents	<p>The Invitation to tender Number is: <b>CORPMWP2544CX</b></p> <ul style="list-style-type: none"> <li>• <b>Letter of invitation to tender including Standard conditions of tender</b></li> <li>• <b>NEC3 PSC</b></li> <li>• <b>Technical evaluation criteria</b></li> <li>• <b>Tender returnables</b></li> <li>• <b>The content list above</b></li> </ul> <p>See the content list above for the enquiry documents.</p>
1.4 Type of Invitation to Tender/RFP	<p>This invitation to tender:</p> <ol style="list-style-type: none"> <li>1. An open Invitation to tender.</li> </ol>
1.6 Eskom's rights to accept or reject any tender	<p>The tender shall be for the whole of the contract.</p>
2.1 Eligible tenders	<p>Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture) complies with the <i>eligibility criteria</i> stated in the Tender Data and the tenderer, or any of his principals, is not under any restriction to do business with Eskom/State Owned Companies.</p> <p>Tenderers are deemed <b>ineligible</b> to submit a tender if:</p> <ol style="list-style-type: none"> <li>1. Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be deemed to have the nationality of a country if the tenderer is a national or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also apply to the determination of the nationality</li> </ol>

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	<p>of proposed subcontractors or suppliers for any part of the Contract including related services.</p> <ol style="list-style-type: none"> <li>2. Tenderers submit more than one [tender/proposal] either individually or as a partner in a joint venture (JV) or consortium</li> <li>3. Tenders submitted by a JV or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms.</li> <li>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 tender process, if : <ol style="list-style-type: none"> <li>1. (a)they have a controlling partner/majority shareholder in common; or</li> <li>2. (b)they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another Tenderer, or influence the decisions of the Employer regarding this bidding process;</li> </ol> </li> <li>5. Tenders signed by non- authorized persons</li> <li>6. Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers)</li> <li>7. Any tenderer that is restricted by National Treasury</li> <li>8. Any tenderer on the Tender Defaulters list.</li> <li>9. A tenderer that sub-contracts 100% Scope of Work.</li> </ol> <p><b>Ineligible tenderers will be disqualified.</b></p>
2.2 -2.5 Tender Closing	<p>The deadline for <b>Tender</b> submission is :  Date <b>05 June 2024</b>  Time <b>10h00</b>  <b>Late Tenders will not be accepted</b>  Tenders are to be submitted to the Eskom <i>tender box</i> at the following physical address:  <b>THE TENDER OFFICE</b>  <b>Eskom Megawatt Park</b>  <b>Northside (Retail Centre)</b>  <b>Maxwell Drive</b>  <b>Sunninghill</b></p>
2.9 Copy of original tender	<p>The tenderer must submit the tender as a complete original tender, plus one (1) <b>hard copy</b> of the original tender at tender submission deadline. Eskom may also require that one (1) additional complete soft copy of the original tender is required in electronic format.</p>

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	<p><b>Where a Tenderer does not submit 1 hard copy of the original tender at tender submission deadline, the tenderer will be disqualified.</b></p> <p><b>N.B.: The package (envelope/box) for the tender documents shall be clearly marked on the outside “CONFIDENTIAL CORP: MWP2544CX” and shall describe the category of the services for which the proposal is being submitted for. <u>Each of the services categories must be submitted separately.</u></b></p> <p><b>e.g.:                   CONFIDENTIAL                               CORP: MWP2544CX</b></p> <p><b>Panel A: Treasury And Financial Advisory Services; OR Panel B: Financial Management And Accounting Advisory Services; OR Panel C: Regulatory Advisory Services; OR Panel D: Non-Life Insurance Advisory Services; OR Panel D1: Life Insurance Advisory Services</b></p> <p><b>Eskom Megawatt Park Tender Office Northside (Retail Centre) Maxwell Drive Sunninghill</b></p> <p><b>Eskom also requires Tenderers to submit ONE (1) additional complete SOFT COPY (memory stick or USB) of the original tender in electronic format. The memory stick or USB should include ALL tender returnables as prescribed on this Invitation to Tender document.</b></p> <p><b><i>If your company does not currently participate in all or some of the sub-panels and are interested, please submit tender responses as advised above. <u>Current contractors MUST NOT SUBMIT responses for subpanels already contracted to. If such responses are received from the current panel contractors, please note that they will be immediately disqualified.</u></i></b></p>
2.13 Tender Validity Period	The tender validity period is <b>180 days</b>
2.16 Site/clarification meetings	<p><b>No physical clarification meeting will be held.</b></p> <p><b>A non-compulsory clarification meeting will be held under the following conditions:</b></p>

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	<p>A <b>clarification meeting</b> with representatives of the <i>Employer</i> will take place as follows:  Date: <b>13<sup>th</sup> of May 2024</b>  Time: <b>10h00</b>  Venue: <b>Microsoft Teams Meetings Platform using the link below:</b>  <a href="https://teams.microsoft.com/l/meetup-join/19%3ameeting_NjRiNGVIZDctZjdNi00MzllTk5ZTUtN2Vky2QwYjRmNmI5%40thread.v2/0?context=%7b%22Tid%22%3a%2293aedbdc-cc67-4652-aa12-d250a876ae79%22%2c%22Oid%22%3a%22c8cfdeb3-4a62-4423-a40d-6e6e51d0b5a7%22%7d">https://teams.microsoft.com/l/meetup-join/19%3ameeting_NjRiNGVIZDctZjdNi00MzllTk5ZTUtN2Vky2QwYjRmNmI5%40thread.v2/0?context=%7b%22Tid%22%3a%2293aedbdc-cc67-4652-aa12-d250a876ae79%22%2c%22Oid%22%3a%22c8cfdeb3-4a62-4423-a40d-6e6e51d0b5a7%22%7d</a></p> <p>Meeting ID: 380 725 857 250  Passcode: vmRrBT</p> <p><i>Tenderers</i> must confirm their intention to attend with the Eskom <i>Representative</i> stating the name, position and contact details of each proposed attendee.</p>
2.17 Clarification on enquiry documents	The tenderer will notify the <i>Employer</i> of any clarifications required before the closing time for clarification queries, which is <b>3 working days before the deadline for tender submission.</b>
2.23 Alternative tenders	Alternative tenders are <b>not allowed.</b>
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 on:  Place: <b>Eskom Megawatt Park Tender Office Northside (Retail Centre)</b>  Date :<b>05 June 2024</b>  Time :<b>10h00</b></p>
3.5 Prices to be read out	Prices will <b>not be read out.</b>
3.9 Basic Compliance	<p>Basic compliance for this invitation to tender/ RFP are:</p> <ol style="list-style-type: none"> <li>1. Meet the eligibility criteria for a tenderer</li> <li>2. Submit one (1) hard copy of the original tender to Eskom</li> <li>3. Submit a complete original tender with commercial, financial and technical information</li> <li>4. Submission of the mandatory commercial tender returnables as at stipulated deadlines.</li> <li>5. Central Supplier Database (CSD) number (MAA.....)</li> </ol>

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3.10 Mandatory tender returnables	<p><b>A tenderer that does not submit mandatory documents/information required in mandatory documents by the required deadlines as stipulated in the Tender Returnable section of the respective Invitation to Tender; will be deemed non-responsive.</b></p>
3.13 Functionality requirements	<p>Functionality requirements <b>are applicable.</b></p> <p>The following criteria will be applicable for this transaction under functionality criteria:</p> <p>a) <b>PANEL A: TREASURY AND FINANCIAL ADVISORY SERVICES</b> - Failure to achieve a minimum score of <b>70%</b> will result in disqualification from the tender process.</p> <p>b) <b>PANEL B: FINANCIAL MANAGEMENT AND ACCOUNTING ADVISORY SERVICES</b> - Failure to achieve a minimum score of <b>80%</b> will result in disqualification from the tender process.</p> <p>c) <b>PANEL C: REGULATORY ADVISORY SERVICES</b> - Failure to achieve a minimum score of <b>70%</b> will result in disqualification from the tender process.</p> <p>d) <b>PANEL D: NON-LIFE INSURANCE ADVISORY SERVICES</b> - Failure to achieve a minimum score of <b>60%</b> will result in disqualification from the tender process.</p> <p>e) <b>PANEL D1: LIFE INSURANCE ADVISORY SERVICES</b> - Failure to achieve a minimum score of <b>12</b> will result in disqualification from the tender process.</p> <p>See attached evaluation scoresheets for functionality with relevant criteria and weightings.</p> <p><b>Tenderers who do not meet the threshold for functionality scoring will be disqualified and not be evaluated further</b></p>
3.15 Evaluation of price	<p>There will be no evaluation of the tenders based on price in the first stage of the panel process.</p> <p>Price evaluation will be carried out in the second stage of the panel process.</p>
3.17 Evaluation of Specific Goals	<p>Specific goals will be scored out of 10 or 20 points in accordance with PPPFA.</p>

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B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
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

If a tenderer fails to meet Specific goals and submit proof, the tenderer will not be disqualified. However, be awarded 80/90 points for price and will score 0 points for Specific goals (out of 10/20)

Note:


**Failure on the part of the supplier to submit supporting documents/proof of specific goals for purposes of evaluation and scoring by RFQ closing will not result in disqualification (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects). The tenderer will, however, be scored zero for Specific goals for purposes of PPPFA scoring and ranking.**

There will be no evaluation of the tenders based on the 90/10 or 80/20 preference point system for price and BBEE level contribution during the first stage of the panel process.

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	<p>Instead, in the second stage of the panel process mini tenders will issues to panel suppliers wherein Task Order allocation/award will be on a competitive basis. Eskom will not be locked into specific contract rates. At each request for services, suppliers will be required to compete on Price and B-BBEE.</p> <p><b>NOTE:</b> This step will take place in subsequent requests for quotation (RFQ) process with ONLY qualifying and approved panel of suppliers.</p>
3.18 Ranking of tenders	<p>Suppliers will be placed on the panel following their technical qualification. Supplier ranking will only be applicable during the second stage of the panel process.</p> <p>Supplier ranking in the second stage of the panel process will be in accordance with the PPPFA Preferential Point Scoring System (90/10 or 80/20).</p>
3.19 Contractual Requirements	<p>Contractual Requirements include the following :</p> <ol style="list-style-type: none"> <li>1. SHEQ requirements;</li> <li>2. Financial statements; and</li> <li>3. SDL&amp;I requirements</li> </ol> <p><b>Please Note:</b>  <b>Contractual requirements are not evaluation criteria. They are required to be met and assessed after the evaluation and ranking of the tenders. Proof that the highest ranked tenderer/ tenderer recommended for award (on the basis of objective criteria) is able to meet the contractual requirements, must be submitted prior to contract award.</b></p> <p><b>Failure to meet “Contractual Requirements “by the stipulated deadlines; may result in the tenderer being regarded as non-responsive and ineligible for contract award.</b></p>

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3.20 Objective Criteria	<p><b>SD&amp;L contractual requirements</b></p> <p>Eskom’s aspiration for the panel is for tenderers to meet the following SDL&amp;I requirements. However suppliers will be requested as part of their submission to make proposals to Eskom on the following which will be evaluated and negotiated prior to contract award:</p> <ol style="list-style-type: none"> <li>a. Where feasible, panel suppliers will be encouraged to make use of local resources for services they are qualified for in the panel;</li> <li>b. At RFP stage, tenderers will be required to submit an undertaking to contribute towards the countrywide job creation agenda. During the execution of the panel and as part of Eskom’s reporting on the SDL&amp;I, tenderers will be required to provide information to Eskom on jobs created as a direct result of work received from the panel.</li> <li>c. Skills development requirements will also form part of the SDL&amp;I undertaking and suppliers will be required at tender stage to commit to the undertaking.</li> <li>d. Tenderers will be required to make proposals on Supplier Development Initiatives (SD&amp;L) during the mini tender process with the objective of exposing and giving opportunities to small black businesses as part of their responses to the mini tender scope requirements.</li> </ol> <p><u>1.1 Enterprise Development</u></p> <p>Enterprise Development will be for the benefit of small to medium companies that lack the necessary business skills and require introduction to the market and capacitated to enable participation in the mainstream of the economy.</p> <p>Panel supplier that is awarded a task order of R30 Million or more will be required to identify one EME that is a B-BBEE Level 1, that is not a subsidiary or partly owned by the panel supplier, to develop the EME in areas where the EME needs to be capacitated. The capacitation scope shall be informed by a gap analysis on the EME. The capacitation scope shall include:</p> <ul style="list-style-type: none"> <li>✓ Developing an incubation programme to address the gaps</li> <li>✓ Training, coaching and mentoring or assisting with the cost of training/coaching for the duration of the pre-agreed incubation programme.</li> </ul> <p>Supplier development progress reports will be required on a quarterly basis should the task extend beyond a quarter. Where the Task Order duration is less than three months, the reporting</p>
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on supplier development will form part of the quarterly report on the SDL&I performance by panel members. Eskom contract management and SDL&I monitoring team would have the right to do physical/site audits.

The main contractor will be required to propose development in the following areas;

Support Description	Tenderer Proposal

**1.2 Job Opportunities**

Tenderer to indicate number of Jobs to be created and/or retained from this contract: this will be based on the amount of work that will be given to the supplier.

Number of Jobs to be created	Number of Jobs to be retained

**1.3 Skills Development**


Successful tenderers will be obligated to develop skills in the following ways:

- a. Train 1 candidate for every cumulative R4 million spend through task orders/instructions awarded to the panel supplier. This obligation will be for the duration of the panel contract. The successful tenderers will be required to demonstrate positive progress on this aspect of the contract on a quarterly basis. The skills development initiatives will not be limited to the task order duration as some may have a training spell longer than the task order duration. The following to be noted and to form part of the skills development requirements in the contract:
  - i. Candidates should ideally be sourced from previously disadvantaged groups in South Africa, preferably at the site where the services will be rendered. While this is the objective, it is noted that the nature of the services required on the panel may be rendered from any site in the world. Should a supplier opt for this option and constraints on implementation are realised during the

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Task Order execution process, this may require engagement with the Employer’s SDL&I on the most feasible option to fulfil the obligation. It must be understood that the skills development objective is to provide these candidates with skills and workplace experience in order to increase the opportunity for them to be employable within the industry.

- ii. An option that is further available to panel members is to develop the candidates directly or through the SETA accredited training providers.
- b. Provide a bursary to students at tertiary institutions or colleges to the value of R80 000 for every R4 million spend on a panel supplier to cover for any outstanding fees, accommodation, meals, registration fees, etc. The service provider will be fully responsible to identify the needy students and work with colleges and/or universities to fulfil this obligation. Relevant documents to substantiate this obligation being complied with would need to be submitted to the Eskom contract management who will in turn forward the same to the SDL&I monitoring and reporting team.

Skills development candidates as well as students should be unemployed graduates from Colleges and Universities and/or matriculants. The composition of the candidates shall be representative of the demographics of the South African population. The supplier will train learnerships and award bursaries in terms of industry related/existing programmes that the firm already has put in place.

The number of possible beneficiaries for this transaction is estimated at 120. This is based on the value of the PR. The final number will depend on the final contract spend.

1.4 Other Initiatives


Sub-contracting

Where feasible, 30% subcontracting will be considered at Task Order stage, for every Task Order above R30 Million. The beneficiaries will be EMEs and or QSEs that are 51% Black Owned or more. Progress report on this requirement will be required on a monthly basis by contract management which will include invoices paid to the subcontracting company.

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	<p>Tenderers shall subcontract with the following designated groups:</p> <ul style="list-style-type: none"> <li>• an EME or QSE which is at least 51% owned by black people.</li> <li>• an EME or QSE which is at least 51% owned by black people who are youth.</li> <li>• an EME or QSE which is at least 51% owned by black people who are women.</li> <li>• an EME or QSE which is at least 51% owned by black people with disabilities.</li> <li>• an EME or QSE which is 51% owned by black people living in rural or underdeveloped area or townships.</li> <li>• a cooperative which is at least 51% owned by black people.</li> <li>• a EME or QSE which is at least 51% owned by black people who are military veterans</li> </ul> <p>The following documents must be submitted before contract award:</p> <ul style="list-style-type: none"> <li>• Proof of a sub-contract agreement/s</li> <li>• CSD report of subcontractors</li> <li>• Sub-contractor/s B-BBEE certificate / sworn affidavit</li> </ul> <p>Participating tenderer/s are required to populate the sub-contracting information on the table below:</p> <p><b>Sub – contractor details:</b></p> <table border="1"> <tr> <td>Name of contractor / Contractors</td> <td></td> </tr> <tr> <td>Proposed Scope of work to be performed by sub-contractor</td> <td></td> </tr> <tr> <td><b>% Subcontracting</b></td> <td></td> </tr> <tr> <td>Contact person</td> <td></td> </tr> <tr> <td>Telephone number</td> <td></td> </tr> <tr> <td>E-mail address</td> <td></td> </tr> </table>	Name of contractor / Contractors		Proposed Scope of work to be performed by sub-contractor		<b>% Subcontracting</b>		Contact person		Telephone number		E-mail address	
Name of contractor / Contractors													
Proposed Scope of work to be performed by sub-contractor													
<b>% Subcontracting</b>													
Contact person													
Telephone number													
E-mail address													

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	Name of contractor / Contractors	
	Proposed Scope of work to be performed by sub-contractor	
	<b>% Subcontracting</b>	
	Contact person	
	Telephone number	
	E-mail address	
	Name of contractor / Contractors	
	Proposed Scope of work to be performed by sub-contractor	
	<b>% Subcontracting</b>	
	Contact person	
	Telephone number	
	E-mail address	
	<p><b>Note:</b> A supplier awarded a contract may not subcontract more than 25% of the value of the contract to any other entity that does not have an equal or higher B-BBEE status level of a contributor than the supplier concerned unless the contract is subcontracted to an EME that has the capability and ability to execute the subcontract.</p> <p><b><u>2 Reporting and Monitoring</u></b></p> <ul style="list-style-type: none"> <li>• The suppliers shall on a quarterly basis submit a report to Eskom in accordance with Data Collection Template on their compliance with the SDL&amp;I obligations described above.</li> <li>• Eskom shall review the SDL&amp;I reports submitted by the suppliers within 60 (sixty) days of receipt of the reports and</li> </ul>	

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	<p>notify the suppliers in writing if their SDL&amp;I obligations have not been met.</p> <p>Upon notification by Eskom that the suppliers have not met their SDL&amp;I obligations, the suppliers shall be required to implement corrective measures to meet those SDL&amp;I obligations before the commencement of the following report, failing which Retention clauses shall be invoked</p> <p><b><u>3. SDL&amp;I Penalty</u></b></p> <p>As security for the fulfilment of SDL&amp;I obligations, Eskom will apply a penalty of 2.5% on every invoice amount (excluding VAT) for failure to submit SDL&amp;I performance reports every quarter; or failure to meet the SDL&amp;I obligations in this contract. The retained amounts shall only be released to the contractor upon:</p> <ul style="list-style-type: none"> <li>• The tenderer will be expected to submit their performance reports on a quarterly basis towards SDL&amp;I obligations.</li> <li>• SDL&amp;I will assess the submitted performance report against the Implementation plan then issue a compliance report.</li> <li>• Should the report yield non-compliance results, Eskom will retain the 2.5% penalty.</li> <li>• Should the compliance results be positive, Eskom will release the retained funds to the tenderer</li> </ul>
2.25 Contractual Condition	<b>The conditions of contract will be the NEC</b>

**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.**

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

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

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

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

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

### 1.3 TENDER RETURNABLES

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

#### NOTE:

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


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

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

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Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-disqualifiable) **	Returnable required prior to Contract Award.
<b>Basic Compliance</b>	One (1) hard copy of the tender	✓		
<b>Annexure A</b>	Acknowledgement Form		✓	
<b>Annexure B</b>	Tenderers Particulars		✓	
<b>Annexure C</b>	Integrity Pact Declaration form		✓	
<b>Annexure D</b>	CPA for local goods/services (if applicable)	✓		
<b>Annexure E</b>	CPA(IG) for imported goods/services (if applicable)	✓		
<b>Annexure G</b> (applicable for all suppliers including Foreign suppliers)	SBD 1- to be completed and submitted by all tenderers.			✓
<b># Annexure H</b>	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations			
<b>Annexure I</b>	SBD 4 – Bidders Disclosure		✓	
<b>Additional Documents required in event of JV: -</b>	Letter of intent to form a JV/consortium or Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios.		✓	
	Separate written confirmation that the joint venture will operate as a single business entity (incorporated) for the duration of the contract, or this may be included as an obligation within the JV agreement.		✓	
	<b># proof of compliance to the stipulated Specific goals.</b>			
	Details and confirmation of a single designated bank account in the name of the JV and independent of the individual JV partners, as set out in the joint venture agreement.			✓
<b># Specific Goals</b>	Failure on the part of the supplier to submit “ <b>proof of specific goals</b> ” for purposes of evaluation and scoring by the tender closing will <b>not</b> result in disqualification (if tenderer is otherwise deemed to be responsive/acceptable in all other aspects). The tenderer will, however, be scored zero for Specific goals for purposes of PPPFA scoring and ranking.			
<b>Tax Clearance Certificates</b>	A certified copy of a tax clearance certificate is still required by Foreign suppliers (with a footprint in South Africa- but who are not on CSD and have not provided a SARS pin number) and Local suppliers (who have not provided their SARS e-filing PIN			✓

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	<p>number for verification by Eskom and/or their CSD profile / CSD number).</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>			
<b>Tax Evaluation Questionnaire – Annexure J</b>	<p>Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE]</p>			✓
<b>Compliance with Employment Equity Act</b>	<p>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)</p>			✓
<b>NEC Documentation – Annexure K</b>	<p>Completed NEC and contract data.</p>	✓		
	<p><b>DOCUMENTS REQUIRED UNDER CONTRACTUAL REQUIREMENTS (WHERE CONTRACTUAL REQUIREMENTS ARE STIPULATED)</b></p>			
<b>Safety, Health and Environment (SHE)/Occupational Health and Safety (OHS) and Environment – Annexure M</b>	<p>a) COIDA - Original certificate of good standing or proof of application issued by the Compensation Fund (COID) or a licensed compensation insurer (South African tenderers only)</p> <p>b) The acknowledgement of Eskom's SHE rules and requirements form signed and submitted by the tenderer.</p>			✓
<b>Quality Management System (QMS) – Annexure N</b>	<ul style="list-style-type: none"> <li>• Quality Management System Requirements ISO 9001, equivalent or appropriate system relevant to the organisations product offering and size <ul style="list-style-type: none"> <li>○ Quality Method Statement based on scope.</li> <li>○ Quality Policy Approved by top management.</li> <li>○ Quality Objectives Approved by top management.</li> </ul> </li> <li>• Evidence of QMS in operation Ref QM-58 <ul style="list-style-type: none"> <li>○ Documented information for defined roles, responsibilities and authorities.</li> <li>○ Documented information for control of externally provided processes, products and services.</li> </ul> </li> <li>• Customer specific requirements and other standards <ul style="list-style-type: none"> <li>○ Form A is completed and signed.</li> </ul> </li> </ul> <p><b>Eskom Quality management, where required, will assist organisations that do not have a system in place to put an appropriate system relevant to the organisations product offering and size in place.</b></p>			✓

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<b>Due Diligence</b>	<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. Tenderers must note that in the case of a joint venture or special purpose vehicle (SPV) especially formed for this tender, audited financial statements for each participant in the JV / SPV is required. Start-up enterprises formed within the last 12 months are not required to send in statements, but if successful with their tender will be required to send statements for the first year when once available.</p>				✓
	<p><b>DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHNICAL CRITERIA</b></p>				
<p>Technical (required for functionality scoring)</p>	<p><b>Step 2 - Functionality Evaluation</b></p> <p>Tender responses will be evaluated for functionality based on achieving a minimum threshold per sub panel as outlined in the tables below in order to move to the next stage of evaluation. All supporting documents must be submitted at the time of tender deadline submission; the evaluation team will score each tender on the basis of information provided by tenderers.</p> <p><b>Important:</b>  <b>Tenderers to submit separate proposal per panel interesting in. eg. Panel A, B, C, D and D1. Please do not lump all panel submissions under one file. Each tender ought to be submitted separately as all tender submissions must be accounted separately and will be evaluated by different streams. No file will be accepted as lumped in one.</b></p>	✓			

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**PANEL A: TREASURY AND FINANCIAL ADVISORY SERVICES**

Evaluation criteria		Weight %
1	Provide relevant* financial advisory experience in a leading role advising in South Africa and Internationally over the past 10 years on the <b>scope of work</b> and the role played. Provide company experience, individual experience and reference sites relevant to each of the items	50%
2	Provide relevant* financial advisory experience in a leading role advising in South Africa and Internationally over the past 10 years advising in <b>debt management transactions, sovereign debt exchanges and liquidity management exercises (LME)</b>	20%
3	Provide relevant* <b>public sector</b> financial advisory experience over the past 10 years? List and describe the assignments	15%
4	Provide relevant* <b>power sector</b> financial advisory experience advising in South Africa and Internationally (including coal industry)?	15%
* Relevant refers to similar size and standing to Eskom.		100

**The Bidder may only proceed to the next evaluation phase for this scope of the panel if a minimum total score of 70% has been obtained.**

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**PANEL B: FINANCIAL MANAGEMENT AND ACCOUNTING ADVISORY SERVICES**

Evaluation criteria	Weight %
Demonstrate available capacity to meet Eskom's needs:	10%
Demonstrate and illustrate that the firm is internationally recognised and has an international presence:	20%
Demonstrate skills, experience and relevant information of the core team assigned to the Eskom Group. <i>(Evidence in the form of CVs of the core team must be provided. The CV needs to provide sufficient and adequate detail to demonstrate the nature and extent of their involvement with relevant clients)</i>	50%
Indicate, demonstrate and illustrate that the firm has a proactive, efficient and effective delivery methodology <i>(Evidence in the form of a summary of the relevant information to illustrate the requirement should be provided):</i>	20%
<b>TOTAL TECHNICAL SCORE</b>	<b>100%</b>

The Bidder may only proceed to the next phase of the evaluation for this scope of the panel if a minimum total score of 80% has been obtained.

**PANEL C: REGULATORY ADVISORY SERVICES**

Evaluation Criteria	Weight %
1. Methodology and Approach - 15%	15%
2. Relevant skills and qualifications - 35%	35%
3. Relevant experience - 35%	35%
4. Resource capacity - 15%	15%
<b>Total</b>	<b>100%</b>

The Bidder may only proceed to the next phase of the evaluation for this scope of the panel if a minimum total score of 70% has been obtained.

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**PANEL D: NON-LIFE INSURANCE ADVISORY SERVICES**

PANEL D: NON-LIFE INSURANCE ADVISORY SERVICES	
Evaluation criteria	Weight%
1 Provide portfolio of non-life insurance advisory services performed in South Africa over the past 3 years, having regard to the Insurance Act (2017), in respect of the following scope of work: 1. Organisational design and operating model (weighting 10%), 2. Risk Management (weighting 15%), 3. Compliance (weighting 15%), 4. Information and Technology (weighting 10%) 5. Technical accounting (weighting 50%)	40%
2 Provide team experience in delivering insurance advisory services to non-life insurance companies. Demonstrable experience should include a detailed team profile, including but not limited to, the number of years of experience providing insurance advisory services to non-life insurance, type of insurance advisory services rendered, qualifications etc.	30%
3 Provide contactable references (i.e. reference letters on clients' letterheads) for the provision of non-life insurance advisory services performed over the past 3 years, having regard to the Insurance Act (2017)	20%
4 Provide evidence of relationships with international companies that have applied legislation similar to SAM by way of contactable references	10%

**The Bidder may only proceed to the next phase of the evaluation for this scope of the panel if a minimum total score of 60% has been obtained.**

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**PANEL D 1: LIFE INSURANCE ADVISORY SERVICES (New)**

Evaluation criteria		Weight%
1	Provide portfolio of life insurance advisory services performed in South Africa over the past 3 years, having regard to the Insurance Act (2017), Income Tax Act 58 of 1962 and Basic Conditions of Service Act in respect of the following scope of work: 1. Organisational Design, 2. Risk Management, 3. Compliance, 4. Technical Life Insurance; and 5. Market Force Analyses, Outlook & Business Strategy	40%
2	Provide team experience in delivering insurance advisory services to life insurance companies. Demonstrable experience should include a detailed team profile, including but not limited to, the number of years of experience providing insurance advisory services to life insurance, type of insurance advisory services rendered, qualifications etc.	30%
3	Provide contactable references (i.e. reference letters on clients' letterheads) for the provision of life insurance advisory services performed over the past 3 years, having regard to the Insurance Act (2017)	20%
4	<b>Advisory Capability</b> Demonstrable experience in advising on significant life products. Must provide value of products taken per client based on its advisory: 1. Products less than R3bn 2. Products from R3bn but less than R5bn 3. Products from R5bn to R10bn 4. Products from R10bn to R15bn 5. Products from greater than R15bn	10%
<b>TOTAL</b>		<b>100%</b>


**The Bidder may only proceed to the next phase of the evaluation for this scope of the panel if a minimum total score of 12 has been obtained.**

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**ANNEXURE A**

**ACKNOWLEDGEMENT FORM**

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


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

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

Or: Incorrect or incomplete for the following reasons:

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**Cataloguing Acknowledgement:**

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

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

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

Invitation to Tender/Request for Proposal No: \_\_\_\_\_

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

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

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


Contact details of contact person:

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

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## **ANNEXURE B**

### **TENDERER'S PARTICULARS**

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

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

Please complete the following:

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


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

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

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

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

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

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

8.1 Confirm if you intend sub-contracting


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

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

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

8.4 Is the said sub-contractor registered on CSD?

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

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

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

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

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

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

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


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

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

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**1. Single tenderers**

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

Signature: \_\_\_\_\_

Designation: \_\_\_\_\_

Date: \_\_\_\_\_

**2. Joint Ventures**

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


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

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

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## ANNEXURE C

### INTEGRITY DECLARATION FORM

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

#### **DECLARATION OF INTEREST**

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

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


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

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

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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.

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

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

Do the tenderer/s and other tenderer in this tendering/RFP process share a controlling partner or have any relationship with each other, directly or through common third parties? (Y/N) If Yes, attach proof to this declaration.

**2. DECLARATION OF FAIR TENDERING PRACTICES**

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

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

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

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


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

### 3. DECLARATION OF SHAREHOLDING INFORMATION

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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/sha reholders of the shareholding entity	Identification Numbers of the shareholders/di rectors/benefici aries of the shareholding entity

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

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

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


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

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

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**Joint Ventures**

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

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

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

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

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

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

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## **ANNEXURE D**

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

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

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

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

Eskom will afford Tenderers an opportunity to propose additional/alternate offers to the abovementioned. Additional Offers, which are optional, will only be considered if a fully compliant Main Offer is submitted and acceptable

CPA conditions may apply if the contractual duration is to be longer than 12 months. If the contractual duration will be less than or equal to 12 months, a fixed priced offer must be submitted.

#### **2. TENDER SUBMISSIONS**

Tenderers shall comply with the following requirements:

##### **a. Main offer:**

1. A Main Offer that is fully compliant with the CPA requirements as specified in the Enquiry.
2. This condition is mandatory unless a fully fixed priced offer is submitted. If more than one offer is submitted, then the fully CPA compliant offer must be indicated as the Main Offer.

**Failure to do so may result in the supplier's offer(s) being disqualified.**

##### **b. Additional/Alternative offer:**

Additional offers, which are optional, will only be considered if a fully compliant main offer is submitted and acceptable:


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

Additional/Alternative Offers must be clearly indicated as such

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### 3. ESKOM'S PREFERRED INDEX LIST

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

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

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

1. The source of an index must be that of the national statistical institute of the relevant country or a generally acknowledged statistical (e.g. industry) body in or for that country, e.g. BEAMA and MEPS.
2. The index must be the equivalent, or if unavailable, the nearest equivalent index to that of the specific prescribed local index.

### 3. NUMBER OF FORMULAE & INDICES

The Tenderer is limited to a maximum of 10 (ten) indices in total, i.e.: a maximum of 5 local indices and maximum of 5 foreign indices, excluding the fixed portion per CPA formula, per offer/agreement.

### 4. CPA FIXED PORTION

A minimum of 15% of the total agreement value is to be fixed when a CPA formula applies; except in the case of professional services or consulting agreements.

### 5. BASE DATE

1. In instances of indices or other references published monthly, the Base Date is to be:  
*The month before the month in which the Enquiry closes*
2. In instances where the reference figures, e.g. market prices, are published daily or at more intervals than once a month:  
*The average for the month before the month in which the Enquiry closes*
1. In this case, the following shall apply:
  1. Where the average is published:  
*The average published price in the currency Eskom will be exposed to. e.g. The currency in which Eskom will effect payment*
  2. Where a high, low and mean are published:  
*The mean*
  3. Where other prices than the Cash Settlement or Cash Sellers Price are published:

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*The Cash Settlement or Cash Sellers Price*

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

**3. CPA FOR PROFESSIONAL SERVICES**

The preferred index to be used for adjusting these agreements is the country specific CPI Headline index.

The price adjustment factor will be effective from each contractual anniversary of the base date. This must be the average of the country specific CPI Headline index figures published for the last twelve month period (cycle) ending before the contract anniversary date.

No fixed portion is mandatory.

Signed \_\_\_\_\_ Date \_\_\_\_\_  
Name \_\_\_\_\_ Position \_\_\_\_\_  
Tenderer \_\_\_\_\_


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

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

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

**Table 2: Preferred Foreign Index List**

Labour	Commodities	Processed material	Transport	Others
National Statistical Institute, Country-specific general labour index	MEPS, Country-specific general steel index	National Statistical Institute, Country-specific mechanical engineering material	National Statistical Institute, Country-specific general transport cost index	National Statistical Institute, Country-specific CPI (Headline)  National Statistical Institute, Country-specific PPI
	LME, Copper	National Statistical Institute, Country-specific electrical engineering material		
	LME, aluminium	National Statistical Institute, Country-specific building and construction material		
	LME, zinc			
	LME, lead			


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

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## **ANNEXURE E**

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

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

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

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

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

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

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

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

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

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

**Applicable (Y / N)**

Payment Method 1B;

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

Please note:

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

**Applicable(Y/N) or**


##### **Payment Method 2:**

In South African Rand at the selling spot rate of exchange obtained by Eskom’s Treasury on the date that the forward cover is cancelled. Eskom will notify the supplier of the date that the forward cover is cancelled as well as the intended payment date, which will be as per the agreed payment terms.

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Any exchange rate adjustment after Eskom has notified the supplier of the date and the rate which the forward cover is cancelled, will be for the account of the supplier.

Please note:

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

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

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

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

Fixed ZAR pricing

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

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

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

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

## **PART 2: EXCHANGE RATES**

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

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

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

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

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

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

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

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

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

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

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

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

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


**2. EXPATRIATE LABOUR METHOD**

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

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

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

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

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

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


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

Closing date of tender      _____ / _____ / _____
<b>TENDERER’S SIGNATURE</b> _____

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**ANNEXURE G**

**SBD 1**

**PART A  
INVITATION TO BID**

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)</b>					
<b>BID NUMBER:</b>		<b>CLOSING DATE:</b>		<b>CLOSING TIME:</b>	
<b>DESCRIPTION</b>					
<b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</b>					


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

<b>SUPPLIER INFORMATION</b>					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
	TCS PIN:		<b>OR</b>	CSD No:	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX]	<input type="checkbox"/> Yes <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:			

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**[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]**

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

**PART B  
TERMS AND CONDITIONS FOR BIDDING**


**BID SUBMISSION:**

- BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR ONLINE
- 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.
- 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.

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5. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.

#### TAX COMPLIANCE REQUIREMENTS

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

#### QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

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

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

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

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**ANNEXURE H**

**SBD 6.1**

**PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022**

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

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

**1. GENERAL CONDITIONS**

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

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

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


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

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

The maximum points for this tender are allocated as follows:

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

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


**3. DEFINITIONS**

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

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## 6. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

### 1. POINTS AWARDED FOR PRICE

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

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

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

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

### 1. POINTS AWARDED FOR PRICE

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

$$\begin{array}{ccc}
 \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\
 Ps = 80 \left( 1 + \frac{Pt - P_{max}}{P_{max}} \right) & \mathbf{or} & Ps = 90 \left( 1 + \frac{Pt - P_{max}}{P_{max}} \right)
 \end{array}$$

Where

Ps = Points scored for price of tender under consideration


Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

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## 7. POINTS AWARDED FOR SPECIFIC GOALS


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

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

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

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


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

**DECLARATION WITH REGARD TO COMPANY/FIRM**

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

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

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

1. The information furnished is true and correct;
2. The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
3. In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
4. If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
  1. disqualify the person from the tendering process;
  2. recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
  3. cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
  4. recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
  5. forward the matter for criminal prosecution, if deemed necessary.

.....

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

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

**DATE:** .....


**ADDRESS:** .....

.....

.....

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**Annexure I**

**SBD 4**

**BIDDER'S DISCLOSURE**

**1. PURPOSE OF THE FORM**

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

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

**2. Bidder's declaration**

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

employed by the state?

**YES/NO**

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


Full Name	Identity Number	Name of State Institution

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

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

2.2.1 If so, furnish particulars:

.....  
.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract?

**YES/NO**

1. If so, furnish particulars:

.....  
.....

**3. DECLARATION**

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

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

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

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


3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win

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

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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.

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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