

	<b>Invitation to Tender</b>	<b>Document Identifier</b>	240-114238630	<b>Rev</b>	28	
		<b>Effective Date</b>	07 April 2026			
		<b>Review Date</b>	April 2031			

**ESKOM HOLDINGS SOC LTD**

**INVITATION TO TENDER (ITT)**

**FOR**

**Supply, Delivery, Construction and Erection of a 40m ET Tower at Fondwe Radio Station within LimLanga Cluster – Limpopo Area for a period of 12 months**

<b>Tender number</b>	<b>E3162DXMPOU</b>
<b>Issue date</b>	<b>03 July 2026</b>
<b>Closing date and time</b>	<b>28 July 2026 at 10h00</b>
<b>Tender validity period</b>	<b>90 days from the closing date and time</b>
<b>Clarification meeting</b>	<p>A <b>non-compulsory clarification</b> meeting will be held online via Microsoft teams. <b>The link for the meeting is provided below:</b></p> <p>Date: 15 July 2026  Time: 10h00am  Meeting link:  <a href="https://teams.microsoft.com/meet/31990876768653?p=PAGesIFtypCjhQ4HRI">https://teams.microsoft.com/meet/31990876768653?p=PAGesIFtypCjhQ4HRI</a></p> <p>Please note that site viewing is <b>non-compulsory</b> as follows:  <b>Meeting point Siloam CNC – 16 July 2026 @ Time 10 a.m.</b>  <b>It is recommended that contractors come to site with a 4x4 vehicle due to the difficult terrain.</b></p> <p><b>Note: GPS co-ordinates are as follows:</b>  <b>Siloam CNC -22.898360, 30.191679</b></p>
<p>Tenders are to be submitted electronically via Eskom E- tendering site by the stipulated closing date and time.</p> <p><i>Please note it is the responsibility of the supplier to ensure that the tender submission is submitted before the closing time</i></p>	<p>Tenders are to be uploaded via Eskom Tender bulletin site on the Eskom E- tendering page using the following link.</p> <p><a href="https://etendering.eskom.co.za">https://etendering.eskom.co.za</a></p> <p>Late Tenders will not be accepted.</p>

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## Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a tender for Supply, Delivery, Construction and Erection of a 40m ET Tower at Fondwe Radio Station within LimLanga Cluster – Limpopo Area for a period of 12 months.

**NOTE: Should a contractor tender for all three (3) projects/towers, the contractor needs to provide an integrated schedule indicating all 3 towers will be completed within the contractual period of 12 months.**

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

1. Free of charge

Eskom has delegated the management of this Invitation to Tender to the *Eskom Representative* whose name and contact details are set out in the Tender Data. The submission of a tender by you in response to this Invitation to Tender will be deemed as your acceptance of the Eskom Standard Conditions of Tender which may be accessed at [www.eskom.co.za](http://www.eskom.co.za).

All queries and clarifications relating to the Invitation to Tender documents must be addressed in writing to the *Eskom Representative*. No query or clarification may be addressed to any Eskom official other than the *Eskom Representative*.

Yours faithfully



Procurement Manager

Madimetja Phalane

Date: 03/07/2026

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### 1.1 Annexures to the Tender

The following document listed hereunder are attached to this Invitation to Tender.

Number	Description	Annexure	Attached (Y / N / N/A)
1.1.1	*Authorisation Form	Annexure A	Y
1.1.2	*Acknowledgement form	Annexure B	Y
1.1.3	*Tenderer's particulars	Annexure C	Y
1.1.4	*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 D	Y
1.1.5	*CPA Requirements for Local Goods/Services	Annexure E	N/A
1.1.6	*CPA(IG) for Foreign Goods/Services (if applicable)	Annexure F	N/A
1.1.7	SBD 6.2 Declaration Certificate for Local Production and Local Content <b>(only applicable if designated materials are included and then Tenderers will be required to complete and submit Annexures G1 to G4 as evidence of compliance with this requirement).</b>  Annexure C Local Content Declaration- Summary Schedule  Annexure D Imported Content Declaration – Supporting Schedule to Annexure C  Annexure E Local Content Declaration- Supporting Schedule to Annexure C	Annexure G1  Annexure G2  Annexure G3  Annexure G4	Y
1.1.8	*SBD 1 Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure H	Y
1.1.9	*SBD 6.1 Preference Points Claim Form in terms of PPPFA 2022 regulations	Annexure I	Y
1.1.10	*SBD 4 – Bidders Disclosure	Annexure J	Y
1.1.11	Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE.	Attached separately	Y
1.1.12	1 x NEC 3 Engineering Construction Short Contract (ECSC) document	Attached separately	Y
1.1.13	Non-Disclosure agreement (NDA)	Attached separately	Y

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1.1.14	Occupational Health and Safety Act: Section 37(2) Agreement - Form	Attached separately	Y
1.1.15	Contract Quality Plan (CQ) Template	Attached separately	Y
1.1.16	Form A Tender & Contract Quality Requirements	Attached separately	Y
1.1.17	Quality Control Plan or Inspection Test Plan (QCP or ITP) Template	Attached separately	Y
1.1.18	Eskom Standard Conditions of Tender (Rev.12)	Attached separately	Y
1.1.19	Annexure B- Acknowledgement of Eskom's SHE rules	Attached separately	Y

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## 1.2 Tender Data

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** are not attached to the **Invitation to Tender/Request for Proposal**, then tenderers are required to download this from [www.eskom.co.za](http://www.eskom.co.za). The **“Tender Data”** as detailed herein shall take precedence over the **Standard Conditions of Tender** in the event of any ambiguity or inconsistency between the two documents.

Clause Number from Standard Conditions of Tender	Tender Data
1.1 Parties	<p>The <i>Employer</i> is <b>Eskom Holdings SOC Ltd</b></p> <p>The Eskom <i>Representative</i> is:  Name: <b>Ndivhuwo Radzilani</b>  Tel: <b>015 230 1532</b>  E-mail: <a href="mailto:RadzilNM@eskom.co.za">RadzilNM@eskom.co.za</a></p>
1.3 Tender documents	<p>The Invitation to tender number is: <b>E3162DXMPOU</b></p> <p>See the content list above for the tender documents.</p>
1.4 Type of Invitation to Tender	<p>This Invitation to Tender is: <b>An open invitation to tender</b></p>
1.6 Eskom's right to accept or reject any tender	<p>The tender shall be for the <b>whole</b> of the contract.</p>
2.1 Eligibility	<p>Tenderers (whether a single company or an incorporated or unincorporated joint venture or consortium) must meet the eligibility criteria stated in the Tender Data. The tenderer, or any of its principals, must not be under any restriction to do business with Eskom or State-Owned Companies.</p> <p><b><u>Tenderers are ineligible to submit a tender if:</u></b></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 found to have the nationality of a country if the tenderer is a national or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also apply to the determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services.</li> <li>2. Tenderers submit more than one [tender/proposal] either individually or as a partner in a joint venture (JV) or consortium, except on an E-Tendering system where there is a limit size (The upload size per document is 500 megabytes and total submission is restricted to 4 gigabytes).</li> <li>3. Tenders submitted by a joint venture or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium</li> </ol>

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<b>Clause Number from Standard Conditions of Tender</b>	<b>Tender Data</b>
	<p>shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms.</p> <p><b>4.</b> A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. Prima facie evidence that a tenderer has a conflict of interest with one or more parties in this [tendering/RFP] process is:</p> <p>(a) they have a controlling partner or majority shareholder in common; or</p> <p>(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 of another tenderer, or to influence the decisions of the Employer regarding this bidding process;</p> <p><b>5.</b> Tenders signed by non-authorized persons.</p> <p><b>6.</b> Any tenderer that is restricted by National Treasury.</p> <p><b>7.</b> Any tenderer on the Tender Defaulters list.</p> <p><b>8.</b> Any tenderer and/or its director/s that is restricted by Eskom.</p> <p><b>9.</b> A tenderer that sub-contracts 100% of the Scope of Work</p> <p><b>Eskom will disqualify tenderers that are found not to have met the eligibility criteria.</b></p>
2.2 - 2.5 Tender Closing	<p>The deadline for <b><i>Tender submission</i></b> is:  Date: 28 July 2026  Time: 10:00 a.m.</p> <p><b>Late Tenders will not be accepted.</b></p> <p><b>Tenders are uploaded via Eskom Tender bulletin site on the Eskom E- tendering page</b></p> <p><a href="https://etendering.eskom.co.za">https://etendering.eskom.co.za</a></p>
2.7-.2.11 Submitting a tender	<p>For Electronic Tender Submissions</p> <p>The tenderer must upload the tender via Eskom Tender bulletin site on the Eskom E- tendering page. The documents need to be upload under the folder Technical, Commercial, Financial, and other.</p> <p><b>All documents need to be submitted in a PDF format (The upload size per document is 500 megabytes and total submission is restricted to 4 gigabytes). The price list needs to be submitted in PDF and/or a copy in excel format.</b></p> <p>No Zip/condense files can be uploaded  No hard copy will be accepted</p>

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	<p>If for some reason you resubmit your tender, then the latest version of the tender submitted will only be accepted and all previous submission/s will be null and void. Please ensure that the submission status is indicated as complete.</p> <p>Supplier Help Manual guide and video can be found on Eskom E-Tendering page</p>
2.12 Tender Validity Period	The tender validity period is <b>12</b> weeks (90 days)
2.15 Site visit and/or clarification meeting	<p>A <b>non-compulsory clarification</b> meeting will be held online via Microsoft teams. <b>The link for the meeting is provided below:</b></p> <p>Date: 15 July 2026 Time: 10h00am Meeting link: <a href="https://teams.microsoft.com/meet/31990876768653?p=PAGeslFtypCjhQ4HRI">https://teams.microsoft.com/meet/31990876768653?p=PAGeslFtypCjhQ4HRI</a></p> <p>Please note that site viewing is <b>non-compulsory</b> as follows: <b>Meeting point Siloam CNC – 16 July 2026 @ Time 10 a.m.</b> <b>It is recommended that contractors come to site with a 4x4 vehicle due to the difficult terrain.</b></p> <p><b>Note: GPS co-ordinates are as follows:</b> <b>Siloam CNC -22.898360, 30.191679</b></p> <p>Tenderers must confirm their intention to attend with the Eskom Representative, stating the name, position and contact details of each proposed attendee to <a href="mailto:RadzilNM@eskom.co.za">RadzilNM@eskom.co.za</a>.</p>
2.16 Seeking clarification	The tenderer will notify Eskom of any clarifications required before the closing time for clarification queries, which is <b>5</b> working days before the deadline for tender submission.
2.22 Alternative tenders	Alternative tenders are <b>not allowed</b> .
2.33 Cataloguing	The successful tenderer may be required to provide the cataloguing information per item after contract award and will need to ensure that all materials delivered to Eskom are labelled in line with Eskom's labelling specifications as may be stipulated by Eskom. Where cataloguing is a requirement, the Pricing Schedule must also include a line item for cataloguing, which tenderers are required to quote for. Eskom will pay for the cataloguing.

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<b>Clause Number from Standard Conditions of Tender</b>	<b>Tender Data</b>
2.34 Provision of Security for Performance	Detailed in the NEC3 Engineering and Construction Short Contract (ECSC)
3.4 Tender Opening	For E-tendering, there will be no public opening of tenders. Tenders will be downloaded electronically.
3.5 Tender Prices	Prices will <b>not be read out</b> .
3.9 Basic Compliance	<p><b>Stage 1: Basic Compliance</b></p> <p>All responses will be evaluated for overall compliance to the conditions of tender and the test for responsiveness.</p> <ul style="list-style-type: none"> <li>Meet the eligibility criteria for a tenderer</li> <li>Submit a complete tender with commercial and technical information</li> </ul> <p><b>For Electronic Tender Submissions:</b></p> <ul style="list-style-type: none"> <li>The tenderer must upload the tender via Eskom Tender bulletin site on the Eskom E- tendering page. The documents need to be uploaded under the folder Technical, Commercial, Financial, and other.</li> <li>All documents need to be submitted in a PDF format (The upload size per document is 500 megabytes and total submission is restricted to 4 gigabytes). The price list needs to be submitted in PDF/Excel format.</li> <li>No Zip/condense files can be uploaded.</li> <li>No hard copy will be accepted.</li> <li>The latest version of the tender submitted will only be accepted and all previous submission/s will be null and void.</li> </ul> <p><b>For E-Tendering, a tenderer's failure to have submitted/uploaded tender documents will render the tender non-responsive.</b></p> <p><b>Tenderers who do not meet this requirement will not be evaluated further.</b></p>
3.10 Mandatory tender returnables	<p><b>Step 2 – Mandatory returnable requirements</b></p> <p><b>The following are the Commercial mandatory returnables</b> to be submitted at tender closing.</p> <p><b>Returnable required at Tender closing (disqualifiable)</b></p> <ul style="list-style-type: none"> <li>Completed pricing schedule within the NEC 3 Engineering Construction Short Contract (ECSC). <b>(The tenderers must submit a complete tender with prices).</b></li> </ul>

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	<p><b>Returnable required at Tender closing. (Non-disqualifiable)</b></p> <ul style="list-style-type: none"> <li>• JV agreement or intent to form a Letter of intent to form a JV/consortium where responding to this tender as a JV</li> <li>• Submit completed and signed non-disclosure agreement (NDA).</li> <li>• Annexure A – Authorisation form (Completed and signed declaration of authority form / submit the signed resolution by the board confirming the duly authorised personnel to sign all documents in connection with this tender.)</li> <li>• Annexure D - A completed and signed Integrity Pact Declaration form.</li> <li>• Annexure J (SBD 4) – Bidders Disclosure</li> <li>• Annexure H (SBD 1) - Submit completed and signed as included in the invitation to tender document.</li> <li>• Proof of Registration with <b>CIDB – 3CE (Civil Engineering) or higher for Fondwe Radio Station towers</b>. However, those tenderers who are registered with the Construction Industry Development Board or are capable of being so registered within twenty-one (21) working days from the closing date for submission of tenders in a contractor grading designation as stipulated in the tender data and determined in accordance with the best estimated value of the scope of works herein are eligible to submit tenders.</li> </ul> <p><b>These returnables 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.</b></p> <ul style="list-style-type: none"> <li>• SBD 6.1- Preference Points Claim Form in terms of PPR 2022 regulations (Annexure I)</li> <li>• Proof of compliance to the stipulated Specific goals.</li> </ul> <p><b>Non-responsive/unacceptable tenders will be disqualified, and all the responsive tenders will be evaluated further.</b></p> <p><b>Technical Mandatory</b></p> <p>The tenderers must submit the following mandatory requirements in the name of the tendering company:</p> <p><b>Where the mandatory technical criteria are submitted and met the criteria it will be a (YES) and if not submitted it will be (NO). Tenderers will be disqualified for failing to submit any of the mandatory requirements stated below.</b></p>

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Clause Number from Standard Conditions of Tender	Tender Data			
	Item No	Mandatory Technical Criteria Description	Reference to Technical Specification / Tender Returnable	Motivation for use of Criteria
	1.	Submission of a step by step method statement of how the towers will be installed. This must include the following: - <ul style="list-style-type: none"> <li>- Installations of foundations</li> <li>- Assembly of tower sections</li> <li>- Erection of tower sections</li> <li>- Climbing of towers</li> <li>- Tower lights</li> <li>- Earthing installation</li> </ul> <p><i>At this stage generic method statements will be sufficient. Detailed Safe Work Procedure (SWP) will be required from before construction</i></p>	- As per Eskom standards 240-59967638,240-56872313 & 240-138048594. Must submit generic method statements as described.	- Construction Regulations
	2.	Submit completed Annex A - Compliance Schedule of 240 – 59967638. <b>No sections may be left blank.</b> Since Eskom is providing the designs, the supplier must simply fill “as per Eskom design” where applicable.	Fully completed Annex A from 240 – 59967638	This serves as an initial acknowledgement of the Eskom standard requirements by the contractor
<p>All responsive tenders will be evaluated further for non-negotiable functionality threshold.</p>				

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3.13 Functionality requirements	<p><b>Stage 3: Functional Analysis</b></p> <p><b>Functionality evaluation will follow the following methodology:</b></p> <ul style="list-style-type: none"> <li>• Evaluate submissions against functional criteria</li> <li>• Rate each submission against each criteria</li> <li>• Apply weightings and calculate total functional score</li> <li>• Eliminate tenders below minimum Threshold</li> </ul> <p><b>Tenders which fail to meet the functionality minimum threshold will not be evaluated further.</b></p> <p><b>Apply the threshold evaluation (Functionality- Technical)</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Functionality</th> <th style="text-align: left;">Weightings</th> </tr> </thead> <tbody> <tr> <td>Technical</td> <td>100%</td> </tr> <tr> <td>Total</td> <td>100%</td> </tr> <tr> <td>Overall minimum threshold for qualifications</td> <td>70%</td> </tr> </tbody> </table> <p>Note: Eskom reserves the right to conduct reference checks if a need arises. Tenderer(s) shall be disqualified if found to have misrepresented information on the tender document.</p> <p><b>Qualitative Technical Requirements</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Item No</th> <th style="text-align: center;">Qualitative Technical Criteria (maximum marks per item = 5)</th> <th style="text-align: center;">Reference to Technical Specification / Tender Returnable</th> <th style="text-align: center;">Criteria Weighting (%)</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1.</td> <td>           Relevant structure climbing competency – this must include a method statement on how the tower will be climbed in line with the proposed fall protection plan.             Method statement &amp; Fall arrest plan = 5             Method statement only = 4             Fall arrest plan only = 2             No submission = 0         </td> <td>Method statement together with the proposed fall arrest plan.</td> <td style="text-align: center;">30</td> </tr> </tbody> </table>	Functionality	Weightings	Technical	100%	Total	100%	Overall minimum threshold for qualifications	70%	Item No	Qualitative Technical Criteria (maximum marks per item = 5)	Reference to Technical Specification / Tender Returnable	Criteria Weighting (%)	1.	Relevant structure climbing competency – this must include a method statement on how the tower will be climbed in line with the proposed fall protection plan.  Method statement & Fall arrest plan = 5  Method statement only = 4  Fall arrest plan only = 2  No submission = 0	Method statement together with the proposed fall arrest plan.	30
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	2.	List of references for similar work done and successfully completed in the past 5 years. Ongoing work <b>MAY NOT</b> be included on the list, see below on how the marks will be awarded (full marks = 5):-  No work = 0  Foundations work only = 2 Tower  Assembly work only = 1 Tower  Erection work only = 1  Earthing = 0.5  Tower lights = 0.5  (work done under sub-contracting will be awarded half marks per item)	A list of all projects done in the past 5 years clearly indicating the role(s) performed and completion dates.	10
	3.	The supplier must demonstrate their construction capability. Submit the Job profiles of the key stakeholders responsible for the construction. If the supplier is planning to use a subcontractor for installation, the job profiles of the Subcontractors must be provided. See below how the scores will be awarded (full marks = 5):-  - Construction/ Site manager = 2 - Civil works supervisor = 1 - Tower assembly and erection supervisor = 2  (must clearly indicate the proposed person together with relevant job profiles per each title provided above)	Job profiles of the team with detailed responsibility description	15
	4.	Generic schedule of activities for the process to be followed when conducting tower installation. State if the supplier is immediately available to execute the work or they have projects to complete first. Submit an activity schedule.  - Project Duration 4 months	Detailed activity schedule with duration per activity	15

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		= 5 Points - Project Duration 5 months = 4 Points - Project Duration 6 months = 3 Points - Project Duration 8 months = 2 Points - Project Duration 9 months = 1 Points - Project Duration 10 months = 0 Points	
	<b>5.</b>	Submit a detailed step by step method statement indicating how the installation will take place. See below how the scores will be awarded.  - Foundations and tower earthing = 2 - Tower erection and assembly = 2 - Tower painting, lights and mounting brackets installation = 1	Detailed method statement(s) for: - 1. installation of foundations and tower earthing 2. Tower assembly and erection 3. Tower painting, lights and mounting brackets installation  30
Formula for calculating qualitative technical requirements results: $R = \left(\frac{A}{M}\right) W \quad \text{or} \quad R = (A/M) W$ Where R = Results A = Actual M = Maximum marks per item (5) W = Weight (%)			
3.15 Evaluation of Price	<b>Stage 4 : Price and B-BBEE point system</b> <ul style="list-style-type: none"> <li>80/20 preference points system will be used to evaluate price. Price points will be calculated out of 80 for price (Evaluated price including VAT). A maximum of 20 points will be awarded to a tenderer for the specific goal. The points scored for the specific goal will be added to the points scored for price and the total will be rounded off to the nearest two decimal places.</li> </ul>		

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	<ul style="list-style-type: none"> <li>Eskom reserves the right to negotiate market related prices with the highest ranked supplier.</li> <li>This evaluation will be based on the estimated value per site.</li> <li>The contract/s will be awarded to the highest ranked supplier/s based on the highest points scored per site in terms of the PPR 2022 unless objective criteria justify the award to another tenderer.</li> </ul> $Ps = 80 \left( 1 \frac{Pt - Pmin}{Pmin} \right)$ <p>Where</p> <p>Ps = Points scored for price of bid under consideration  Pt = Price of bid under consideration  Pmin = Price of lowest acceptable bid</p> <p><b>After the scoring and ranking of tender for panel establishment the following shall apply to break deadlock:</b></p> <ul style="list-style-type: none"> <li>The points scored for Price must be added to the points scored for B-BBEE status in order to obtain each tenderer's total points scored out of 100.</li> <li>In the event that two or more tenderers have scored equal points, the recommended tenderer is identified as the tenderer that scored the higher points for Specific Goals.</li> <li>In the event that two or more tenderers are equal in all respects, the recommended tenderer must be identified by the drawing of lots.</li> </ul>
<b>3.18 Evaluation of Specific Goals</b>	<p><b>Specific Goals</b></p> <p>A maximum of 20 points may be awarded to a tenderer for the specific goal specified for the tender. The points scored for the specific goal must be added to the points scored for price and the total must be rounded off to the nearest two decimal places. Subject to section 2(1)(f) of the Preferential Procurement Policy Framework Act, the contract must be awarded to the tenderer scoring the highest points.</p>

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	<b>B-BBEE Status Level of Contributor</b>	<b>Number of points (80/20 system)</b>
	1	20
	2	18
	3	14
	4	12
	5	8
	6	6
	7	4
	8	2
	Non-compliant contributor	0
<p><b>NB: The following documents are required to claim preference points,</b></p> <ul style="list-style-type: none"> <li>• Valid B-BBEE certificate issued by a SANAS accredited verification agency / sworn affidavit / CIPS affidavit</li> <li>• Proof of ownership / shareholding (CIPC documentation) inclusive of shareholding breakdown</li> <li>• Certified ID copies of shareholder(s)</li> <li>• Proof of Disability (where applicable)</li> </ul> <p><b>Tenderer failing to provide documentation for the allocation of preference points will not be disqualified, but</b></p> <ul style="list-style-type: none"> <li>• May only score point out of 80 for price</li> <li>• Scores 0 points out of 20 for specific goals</li> </ul> <p>Valid B-BBEE certificate <b>[Mandatory for contract award]</b>.</p>		

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	<p><b>The certificate must be issued by an authorized body or person; a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; any other requirement prescribed in terms of the Broad-Based Black Economic</b></p> <p><b>Tenderers submitting B-BBEE Sworn Affidavits must ensure that the affidavits meet the following key pointers to ensure their validity:</b></p> <ul style="list-style-type: none"> <li>• Name/s of deponent as they appear in the identity document and the identity number.</li> <li>• Designation of the deponent as the <b>director, owner or member</b> must be indicated in order to know that person is duly authorised to depose of an affidavit. <b><u>(Mark the applicable option).</u></b></li> <li>• Name of enterprise as per enterprise registration documents issued by the CIPC, where applicable, and enterprise business address.</li> <li>• Percentage of black ownership, black female ownership and designated group. In the case of specialised enterprises as per Statement 004, the percentage of black beneficiaries must be reflected. <b><u>(No blank spaces to be left).</u></b></li> <li>• Indicate total revenue for the year under review and whether it is based on <b>audited financial statements</b> or <b>management account</b>. <b><u>(Mark the applicable option).</u></b></li> <li>• Financial year end as per the <b>enterprise’s registration documents</b>, which was used to determine the total revenue. <b><u>(Financial year end to be stipulated by day/month/year).</u></b></li> <li>• B-BBEE Status level. An enterprise can only have one status level. <b>(Tick applicable level)</b></li> <li>• Empowering supplier status must be indicated. For QSEs, the deponent must select the basis for the empowering supplier status.</li> <li>• Date deponent signed and date of Commissioner of Oath must be the same. <b><u>(The sworn affidavit must be signed in the presence of the Commissioner of Oath. Furthermore, the Commissioner must also sign and stamp)</u></b></li> <li>• Commissioner of Oath cannot be an employee or ex officio of the enterprise because, a person cannot by law, commission a sworn affidavit in which they have an interest.</li> </ul> <p><b>Joint ventures will be allowed to participate on this tender.</b></p> <p>Joint ventures are eligible to submit tenders provided that:-</p> <ul style="list-style-type: none"> <li>• Every member of the Joint venture (JV) is registered with CIDB.</li> <li>• The lead partner has a contractor grading designation in the <b>3CE or higher</b> *class of construction work; or not lower than one level below the required</li> </ul>

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	grading designation in the class of works under consideration and possesses the required recognition status. <ul style="list-style-type: none"> <li>The combined contractor grading designation calculated in accordance with the CIDB regulations is equal to or higher than a contractor grading designation determined in accordance with the sum tendered for a <b>3CE or higher</b> * class of work or a value determined in accordance with Regulations 25 (1B) or 25 (7A) of the CIDB Regulations.</li> </ul>												
3.19 Ranking of tenders	Tenderers will be ranked by applying the preferential point scoring for the <b>80/20</b> system. Eskom will add the score from Pricing and Specific Goals together and rank the suppliers from the highest to the lowest.  Refer to <b>pages 13 - 14</b> of this invitation to tender												
3.20 Objective Criteria	<p><b>Stage 5 – Objective criteria as per PPPFA 2(1)(f)</b></p> <p>The inclusion of objective criteria is not mandatory but a condition for contract award. If the tenderer does not meet objective criteria; it may lead to the second-ranked tenderer being recommended for award.</p> <p><b>Local Content:</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Sector</th> <th style="text-align: center;">Components</th> <th style="text-align: center;">Local Content Threshold</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Steel Products and Component for Construction</td> <td style="text-align: center;">Fabricated Structural Steel</td> <td style="text-align: center;">100%</td> </tr> <tr> <td style="text-align: center;">Cement</td> <td style="text-align: center;">CEMI</td> <td style="text-align: center;">100%</td> </tr> <tr> <td style="text-align: center;">Cement</td> <td style="text-align: center;">CEMII</td> <td style="text-align: center;">100%</td> </tr> </tbody> </table> <p><b>NOTE:</b> SBD 6.2 Declaration Form and Annex C (Local Content Declaration-Summary Schedule) are therefore <b>mandatory</b> and must be tender returnables</p>	Sector	Components	Local Content Threshold	Steel Products and Component for Construction	Fabricated Structural Steel	100%	Cement	CEMI	100%	Cement	CEMII	100%
Sector	Components	Local Content Threshold											
Steel Products and Component for Construction	Fabricated Structural Steel	100%											
Cement	CEMI	100%											
Cement	CEMII	100%											
3.21 Reverse e-auction (if applicable)	Reverse e-auction is <b>not applicable</b> .  <b>Please note: -</b> <b>Reverse e-auction is an electronic price and preference point system (aligned to PPPFA) that aims to achieve the most competitive prices. Eskom reserves the right to utilize reverse e-auction in certain enquiries. Where reverse e-auction is utilized in a specific enquiry this will be indicated in the respective enquiry and the relevant reverse e-auction supporting documents will form part of the enquiry. The Tenderers will be required to submit a complete tender but without prices. Where a</b>												

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	<b>supplier includes prices in their tender; these prices will not be considered and will be disregarded.</b>
Contractual Requirements	<p><b>Step 6: CONTRACTUAL REQUIREMENTS</b></p> <p><b>The following contractual requirements shall apply:</b></p> <ul style="list-style-type: none"> <li>• Commercial compliance.</li> <li>• Safety;</li> <li>• Environmental;</li> <li>• Quality;</li> <li>• Financial Analysis</li> <li>• SDL&amp;I</li> </ul> <p>Tenderer/ tenderers recommended for award, including those justified on the bases of objective criteria, must still meet Contractual requirements as set out in the enquiry. Contractual requirements exclude objective criteria and Contractual requirements are not evaluation criteria. They are required to be met and assessed after the evaluation and ranking of the tenders.</p> <p>The tenderer will be allowed 7 working days, to resubmit the contractual requirements that were not met after the tender submission.</p> <p>Proof that the highest-ranked tenderer / preferred tenderer is able to meet the contractual requirements must be submitted before the contract may be awarded.</p> <p>If the tenderer does not meet a contractual requirement, mitigating factors, may be agreed to and be made terms and requirements of the contract. If the tenderer does not agree with the mitigating factors or if there are insufficient suitable mitigating factors or if the risk is deemed too high, the tender may be awarded to a tenderer other than the highest-ranked (the second-ranked).</p> <p><b>A) Commercial Statutory compliance</b></p> <ul style="list-style-type: none"> <li>• B-BBEE Certificates or Sworn Affidavits</li> <li>• Tax Compliance Status (TCS) e-filing PIN from SARS and Tax Clearance Certificate</li> <li>• Valid Original certificate of letter good standing or proof of application issued by the Compensation Fund (COID)</li> <li>• Proof of National Treasury Central Supplier Database registration (CSD) that has a tax compliant status at award.</li> <li>• Proof of Registration with CIDB – 3CE (Civil Engineering) or higher for Fondwe Radio Station towers</li> </ul>

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	<p>It should be noted that as per National Treasury Instruction No: 09 of 2017/18; a tender will not be awarded to a recommended tenderer that has a tax non-compliance status.</p> <p><b>SHEQ</b></p> <p><b>B) Safety Contractual Requirements</b></p> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">1</td> <td> <p><b>Acknowledgement of Eskom's SHE rules,</b></p> <p>Is the acknowledgement of Eskom's SHE rules, and requirements form (Annexure B). Acknowledgement form must be fully completed, i.e. MD/CEO signature and the two witnesses (compulsory)</p> </td> </tr> <tr> <td style="text-align: center;">2</td> <td> <p><b>Legal appointment and Training</b></p> <p><b>Training Certificates and appointment letters</b> with relevant <b>legal reference</b> for the following appointees:</p> <ul style="list-style-type: none"> <li>a. Health and Safety Representative,</li> <li>b. First aid level 2,</li> <li>c. Fire fighters,</li> <li>d. Fall protection planner,</li> <li>e. Incident investigator,</li> <li>f. Risk Assessor</li> <li>g. Safety Officer</li> <li>h. Construction Supervisor</li> </ul> <p>The <b>signature of the Manager</b> appointing the nominated person is required. Not compulsory for the appointee to have accepted the appointment at this stage (tender stage).</p> </td> </tr> <tr> <td style="text-align: center;">3</td> <td> <p><b>Occupational, Health and Safety Plan (OHS Plan)</b></p> <ul style="list-style-type: none"> <li>• This must be relevant to the Scope of work.</li> </ul> </td> </tr> <tr> <td style="text-align: center;">4</td> <td> <p><b>Baseline Risk Assessment</b></p> <ul style="list-style-type: none"> <li>a. Risk Assessment Procedure</li> <li>b. Baseline Risk Assessment. (The Baseline Risk Assess should address all the relevant risks and must be relevant to the Scope of work.)</li> </ul> </td> </tr> <tr> <td style="text-align: center;">5</td> <td> <p><b>Health and Safety Policy signed by the CEO or MD,</b></p> <ul style="list-style-type: none"> <li>• Company Health and safety Policy signed by CEO or MD. The Health and safety Policy statement must be actionable.</li> </ul> </td> </tr> </table>	1	<p><b>Acknowledgement of Eskom's SHE rules,</b></p> <p>Is the acknowledgement of Eskom's SHE rules, and requirements form (Annexure B). Acknowledgement form must be fully completed, i.e. MD/CEO signature and the two witnesses (compulsory)</p>	2	<p><b>Legal appointment and Training</b></p> <p><b>Training Certificates and appointment letters</b> with relevant <b>legal reference</b> for the following appointees:</p> <ul style="list-style-type: none"> <li>a. Health and Safety Representative,</li> <li>b. First aid level 2,</li> <li>c. Fire fighters,</li> <li>d. Fall protection planner,</li> <li>e. Incident investigator,</li> <li>f. Risk Assessor</li> <li>g. Safety Officer</li> <li>h. Construction Supervisor</li> </ul> <p>The <b>signature of the Manager</b> appointing the nominated person is required. Not compulsory for the appointee to have accepted the appointment at this stage (tender stage).</p>	3	<p><b>Occupational, Health and Safety Plan (OHS Plan)</b></p> <ul style="list-style-type: none"> <li>• This must be relevant to the Scope of work.</li> </ul>	4	<p><b>Baseline Risk Assessment</b></p> <ul style="list-style-type: none"> <li>a. Risk Assessment Procedure</li> <li>b. Baseline Risk Assessment. (The Baseline Risk Assess should address all the relevant risks and must be relevant to the Scope of work.)</li> </ul>	5	<p><b>Health and Safety Policy signed by the CEO or MD,</b></p> <ul style="list-style-type: none"> <li>• Company Health and safety Policy signed by CEO or MD. The Health and safety Policy statement must be actionable.</li> </ul>
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3	<p><b>Occupational, Health and Safety Plan (OHS Plan)</b></p> <ul style="list-style-type: none"> <li>• This must be relevant to the Scope of work.</li> </ul>										
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	6	<b>Fall Protection Plan and Rescue</b> 1. Fall Protection Plan should address the scope and addressing the risk of fall and rescue. 2. Fall Rescue Plan 3. Working at Height Risk Assessment
	7	<b>Substance Abuse Management</b>  <ul style="list-style-type: none"> <li>• Provide a Substance Abuse Procedure indicating how would you manage Substance Abuse during working hours</li> </ul>
	8	<b>Valid Letter of Good Standing or equivalent, i.e. COID, RMA or FEMA,</b>  <ul style="list-style-type: none"> <li>• Your COID must depict the correct/ relevant nature of business, e.g. Scrap Metal Dealer etc.</li> </ul>
	9	<b>Emergency Preparedness</b>  <ul style="list-style-type: none"> <li>• Emergency Plan (fire equipment, evacuation plan, emergency numbers etc.)</li> </ul>
	10	<b>Incident Management Procedure</b>  1. Incident investigation procedure 2. OHS Statistics for the past three years
	11	<b>Occupational Health programme. (Submit 11.1 or 11.2)</b>  <b>11.1 Medical Certificate of the workers listed below</b> done by the Occupational Health Practitioner, i.e. Occupational Medical Doctor/ Occupational Health Nurse. a. Health and Safety Representative, b. First aid level 2, c. Fire fighters, d. Fall protection planner, e. Incident investigator f. Risk Assessor g. Safety Officer h. Construction Supervisor  <b>11.2 Medical surveillance plan/Programme</b>

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	<b>C) Environmental Contractual Requirement</b>	
	<b>Environmental Management System (EMS) Requirements</b>	
	<b>1. Environmental policy</b>	Environmental policy signed by top management (CEO / managing director), dated and version controlled. Policy must commit to compliance to all relevant legislation/laws, Pollution prevention and continual improvement.
	<b>2. Company organogram</b>	Company Organogram, indicating the environmental representative.
	<b>3. Environmental appointment letter</b>	Appointment letter of the employee responsible for environmental issues within the company. Appointment letter to be accepted and dated.
	<b>4. Environmental Communication plan</b>	Company's communication plan / procedure on what, how & when relevant environmental issues will be communicated.
	<b>5. Environmental Incident register</b>	Incident/complaints register for environmental incidents
	<b>6. Environmental Training Certificate</b>	A contractor/Consultant may submit a valid Eskom Environmental Law Certificate (issued within the past three years by Eskom) at the time of contract signing. Failure to provide the certificate during the evaluation stage will not result in penalisation.
	<b>7. Emergency preparedness plan (EPP)</b>	Emergency preparedness procedure/plan specific to environmental emergencies, with emergency contact details
	<b>8. Environmental Management Plan</b>	Environmental management programme related to the services (activity related) tendered for.


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	<b>9. Waste management plan/strategy</b>	Waste management plan on how waste generated on site will be managed, to include where disposal occurs								
	<b>D) Quality Contractual Requirement</b>									
		<b>Supplier Quality Management: List of Tender Returnables Documents</b>								
		<table border="1"> <tr> <td>Unique Identifier</td> <td><b>240-12248652</b></td> </tr> <tr> <td>Revision</td> <td><b>7</b></td> </tr> <tr> <td>Effective Date</td> <td><b>2022/01/26</b></td> </tr> <tr> <td>Specification</td> <td><b>240-105658000</b></td> </tr> </table>	Unique Identifier	<b>240-12248652</b>	Revision	<b>7</b>	Effective Date	<b>2022/01/26</b>	Specification	<b>240-105658000</b>
Unique Identifier	<b>240-12248652</b>									
Revision	<b>7</b>									
Effective Date	<b>2022/01/26</b>									
Specification	<b>240-105658000</b>									
	<b>Category 3 : Quality Requirements</b>	<b>Deliverables to be evaluated indicator = 1</b>								
	<b>Section A Score Option 1</b>									
	<b>SECTION A : Quality Management System Requirements ISO 9001 Objective evidence of documented QMS that is not certified but complies with ISO 9001</b>									
		<b>Apply =1</b>								
	A.1 QMS Manual or a document that defines and describes the QMS and its scope	1								
	A.2 Quality Policy Approved by top management.	1								
	A.3 Quality Objectives Approved by top management.	1								
	A.4 Control of documented information (i.e. document and record control)	1								
	A.5 Documented information for Control of nonconforming outputs	1								
	A.6 Documented information for Nonconformity and Corrective action	1								
	A.7 Documented information for Internal audit Clause 9.2 of ISO 9001:2015	1								
	<b>Section A Score Option 2</b>									
	<b>SECTION B : Evidence of QMS in operation (Tender Quality Requirements -Ref 240-105658000)</b>									
		<b>Apply =1</b>								
	B.1 Documented information for defined roles, responsibilities and authorities - Organization chart and Responsibility matrix (must include but not limited to quality management function/role) (Clause 5.3 of ISO 9001:2015)	1								

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Clause Number from Standard Conditions of Tender	Tender Data	
	B.2 Documented information for Control of Externally Provided Processes, Products and Services - Must include criteria for evaluation, selection, monitoring of performance, and re-evaluation of external providers (Clause 8.4 of ISO 9001:2015)	1
	<b>Section B Score</b>	<b>2</b>
	<b>SECTION C: Contract Quality Plan Requirements (Ref 240-105658000 and 240-109253698). Draft Contract Quality Plan specific to the scope of work as described in the tender documents (Ref ISO 10005)</b>	
		<b>Apply (Yes=1)</b>
	NB! Draft Contract/Project Quality Plan has important QA deliverables	1
	<b>Section C Score</b>	<b>1</b>
	<b>SECTION D: Quality Control Plan Requirements (Ref 240-105658000 or 240-109253302) QCP /Checklist/ ITP (Quality Control Plans) as per Scope of Works (Ref ISO 10005)</b>	
		<b>Apply = 1</b>
	NB! Draft/ Example of an Inspection and Test Plan (ITP) or Quality Control Plan (QCP) on similar and/ or previous work done	1
	<b>Section D Score</b>	<b>1</b>
	<b>SECTION E: User defined additional Requirements &amp; miscellaneous (Ref 240-105658000) Customer specific requirements &amp; other standards and required can be listed and evaluated here</b>	
		<b>Apply (Yes=1)</b>
	E.1 Form A is completed and signed.	1
	<b>Section E Score</b>	<b>1</b>
	<b>E) Financial Analysis</b>  The analysis of a tenderer's financial statements is not a criterion for the purposes of the scoring and awarding of points or the determination of competitive ranking, but to determine if the tenderer is financially stable enough to execute a contract / order of the magnitude to be awarded, and if not, the risk to Eskom.	

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<b>Clause Number from Standard Conditions of Tender</b>	<b>Tender Data</b>
	<p>Due diligence may be done by the Finance Department through a review of financial viability and risk mitigation steps. The latest and approved Annual Financial Statements (AFS) must be submitted by the tenderer. Where the Annual Financial Statements have not been audited, then an ITA34C tax submission will be required and the Public Interest Score as completed by the accountant / reviewer as required by the Companies Act, 2008.</p> <p><b>The list of mandatory documents are as follows:</b></p> <ul style="list-style-type: none"> <li>• Background to the company.</li> <li>• A signed director's report.</li> <li>• A signed auditor's / reviewer's / compiler's / accounting officer's report.</li> <li>• Statement of financial position.</li> <li>• Statement of comprehensive income.</li> <li>• Statement of changes in equity.</li> <li>• Statement of cash flows (if applicable).</li> <li>• Notes to the financial statements.</li> </ul> <p>Financial analysis cannot be performed for entities who do not submit all required documentation.</p> <p><b>Risk mitigation factors may include:</b></p> <ul style="list-style-type: none"> <li>• Obtaining a performance bond from a financial institution that has been pre-approved by Eskom Treasury department.</li> <li>• A parent Company Guarantee, provided that the parent company is financially sound enough to stand as surety for the subsidiary tendering for the contract. The parent company's latest and approved AFS must be submitted for financial analysis.</li> <li>• A reduced contract may be recommended.</li> <li>• Payment upon delivery of a milestone activity or milestone goods.</li> </ul> <p>In the case of an unincorporated JV or a SPV, each partner in the entity must submit its Annual Financial Statements, which will be consolidated to determine their joint capability to execute the contract under award. Where a new company is unable to provide the latest and approved financial statements for the last 18 months, it may, at Eskom's discretion, be permitted to provide latest and approved financial statements for the most recent twelve-month operating period.</p> <p><b>F) SDL&amp;I</b></p> <p><b>Local Procurement Content</b></p> <p>Local Procurement Content refers to value added in South Africa by South African resources. This contract only involves local goods and/or services; thus, local procurement content is <b>100%</b>.</p>

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Clause Number from Standard Conditions of Tender	Tender Data										
	<p><b>Jobs:</b></p> <p>Tenderers are required to submit proposals for the type and number of jobs that will be created and retained in South Africa as a direct result of being awarded this contract.</p> <p>Note: Communities based local to site (areas around site) should be prioritised for employment and all unskilled labourers sourced from areas local to site.</p> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;"><b>Number of jobs to be created</b></td> <td style="text-align: center;"><b>Number of jobs to be retained</b></td> </tr> <tr> <td style="height: 20px;"></td> <td style="height: 20px;"></td> </tr> </table> <p><b>Procurement spend on entities with a minimum 51% black ownership</b></p> <p>The tenderer is encouraged to procure/spend on designated groups on the following paid invoices for both:</p> <ul style="list-style-type: none"> <li>• Indirect expenses (e.g. overheads) on goods and services supplied to the contractor/supplier by designated groups; and</li> <li>• Direct spend on goods and services supplied by the subcontractors for the execution of the scope of work</li> </ul> <p>Activities, as a proportion of the local procurement content, which may be subcontracted to designated black owned enterprises must be submitted in the table below.</p> <p>The tenderer will be required to propose as follows:</p> <table border="1" style="width: 100%;"> <thead> <tr> <th style="text-align: center;">Procurement from Designated Group</th> <th style="text-align: center;">Target</th> <th style="text-align: center;">Tenderer's Proposal</th> </tr> </thead> <tbody> <tr> <td>Procurement from EME/QSE &gt;51% owned by Black People</td> <td style="text-align: center;">2.4%</td> <td style="height: 20px;"></td> </tr> </tbody> </table> <p><b>Note: The successful tenderer will be required to submit the above entity / entities' BBBEE Certificate / Sworn Affidavit and CSD number/s upon award of the contract.</b></p>	<b>Number of jobs to be created</b>	<b>Number of jobs to be retained</b>			Procurement from Designated Group	Target	Tenderer's Proposal	Procurement from EME/QSE >51% owned by Black People	2.4%	
<b>Number of jobs to be created</b>	<b>Number of jobs to be retained</b>										
Procurement from Designated Group	Target	Tenderer's Proposal									
Procurement from EME/QSE >51% owned by Black People	2.4%										
3.24 Sign form of Agreement/ Contractual Conditions	Not Applicable										

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<b>Clause Number from Standard Conditions of Tender</b>	<b>Tender Data</b>
2.28 CIDB Requirements (where applicable for Engineering and Construction Works Contracts)	<p><b>CIDB is applicable</b></p> <p>Proof of Registration with CIDB – 3CE (Civil Engineering) or higher</p> <p><b><i>[ Please note that only those tenderers that are registered with the Construction Industry Development Board or are capable of being so registered within twenty-one (21) working days from the closing date for submission of tenders in a contractor grading designation as stipulated in the tender data and determined in accordance with the best estimated value of the scope of works are eligible to submit tenders.</i></b></p> <p><b><i>Eskom must, within 21 working days from date when contractors offer to perform a construction works contract is accepted in writing, register and publish the award of all contracts equal to or exceeding R10 M inclusive of VAT.]</i></b></p>
2.29 Contract Skills Development Goals (CSDG)	Not Applicable
2.30 Contract Participation Goals is	Not Applicable

**Please note:**

Tenderers are requested to bear in mind Eskom's standard payment terms as stipulated hereunder when submitting tenders and concluding contracts with Eskom:

For contracts valued below R50 000 000 (Fifty Million Rand) including VAT, Eskom is committed to paying Suppliers within 30 days of receipt of undisputed invoices.

For contracts valued above R50 000 000 (Fifty Million Rand) including VAT, Eskom is committed to paying suppliers within 60 days of receipt of undisputed invoices.

Eskom reserves the right to negotiate with preferred bidders after a competitive bidding process or price quotations should the tendered prices not be 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 its tender documents.

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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 THE FOLLOWING: -

##### \* Returnables required at Tender closing (disqualifiable): -

These returnables are required to be completed, signed (if required on the returnable) and submitted with the tender at Tender closing date and time. If not completed, signed (if required on the returnable) and/or submitted by tender closing, the tenderer will be disqualified.

##### \*\* Returnable required at Tender closing (non-disqualifiable): -

These returnables are required to be completed, signed (if required on the returnable) and submitted with Tender at Tender closing date and time; however, if not submitted by Tender closing, or submitted with incomplete information or without a required signature, the Procurement Practitioner will, in writing, request the tenderer to submit the returnable within 5 working days. If the returnable is not completed, signed if required and/or received by the Procurement Practitioner within 5 working days of the request, the tenderer will be disqualified.

The 5 working days period does not apply to CIDB proof of grading. Refer to the returnable table the prescribed period for CIDB proof of grading.

##### # Returnables required at Tender Closing date and time for evaluation: -

These returnables are required to be submitted at tender closing date and time. These returnables will not be requested by the Procurement Practitioner. A tenderer that does not submit the required returnable at stipulated deadline or submits an incomplete returnable; will not be disqualified but will score zero.

#### Returnable required prior to Contract Award.


Returnables that are mandatory for contract award must be submitted prior to award, completed if completion is a requirement and signed if signature is a requirement.

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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>	Electronic copy of the tender in a PDF format. The price list needs to be submitted in PDF and/or a copy in excel format (The upload size per document is 500 megabytes and total submission is restricted to 4 gigabytes)	√		
<b>Non-disclosure agreement (NDA)</b>	Submit completed and signed non-disclosure agreement (NDA).		√	
<b>Annexure A</b>	Authorisation Form - Completed and signed declaration of authority form / submit the signed resolution by the board confirming the duly authorised personnel to sign all documents in connection with this tender. Note – The authorisation form must be submitted to confirm the authority of the supplier's representative to act as an authorised agent on behalf of the supplier.		√	
<b>Annexure B</b>	Acknowledgement Form		√	
<b>Annexure C</b>	Tenderers Particulars		√	
<b>Annexure D</b>	Integrity Pact Declaration form		√	
<b>Annexure E</b>	CPA for local goods/services (if applicable)	Not Applicable		
<b>Annexure F</b>	CPA(IG) for imported goods/services (if applicable)	Not Applicable		
<b>Annexure G1-G4</b>	SBD 6.2 -Declaration certificate for local production and content and Annexures G2,G3,G4			√
<b>Annexure H</b> (applicable for all suppliers including Foreign suppliers)	SBD 1- to be completed and submitted by all tenderers.		√	
<b># Annexure I</b>	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations. Returnable required at Tender closing (will not be disqualified but score zero)		√	
<b>Annexure J</b>	SBD 4 – Bidders Disclosure		√	
Reverse e-auction training acknowledgement form (if applicable)		Not applicable		

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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.
E-tendering Help Manual acknowledgement form			√	
<b>Additional Documents required in the 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.		√	
	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>	A tenderer's failure to submit proof that it meets the <b>specific goals</b> will not result in its disqualification. 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 required from foreign tenderers (with a footprint in South Africa but that are not registered on CSD and have not provided a SARS pin number) and local tenderers (that have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number). Foreign suppliers with no footprint in South Africa must complete the SBD1 document; however, no proof of tax compliance is required.			√
<b>Tax Evaluation Questionnaire (if services contract)</b>	Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE			√

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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.
and was included as annexure)				
<b>Compliance with Employment Equity Act</b>	To the extent that the tenderer falls within the definition of a “designated Employer” as contemplated in the Employment Equity Act 55 of 1998, the tenderer is required to furnish the Employer with proof of compliance with the Employment Equity Act, including proof of submission of the Employment Equity report to the Department of Labour. (South African tenderers only)			√
<b>CIDB</b>	Valid proof of the required CIDB grading designation for the main contractor; JV and /or sub-contractor as may be required in the tender data at tender closing deadline or within 21 working days from the closing date of submission of tenders if this is agreed with the Employer		√	
<b>NEC or other Contract</b>	Completed NEC 3 Engineering and Construction Short Contract contract data.			√
<b>Pricing schedule</b>	Completed pricing schedule within the provided NEC 3	√		
<b>Additional documents required (ECSA/ SACPCMP/CVs/ permits/licenses/ specific registration documents (if applicable to scope of work)</b>		Not Applicable		
	<b>MANDATORY CONTRACTUAL REQUIREMENTS SUPPORTING EVIDENCE</b>			
<b>Mandatory Contractual Requirement</b>	CSD Registration (CSD number/CSD Report)			√
	<b>ADDITIONAL CONTRACTUAL REQUIREMENTS SUPPORTING EVIDENCE</b>			

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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>Safety</b>	COIDA - Original certificate of good standing or proof of application issued by the Compensation Fund (COID) or a licensed compensation insurer (South African tenderers only)			√
<b>Quality</b>	Refer to <b>pages 22 – 23</b> of this invitation to tender for full requirements			√
<b>Other safety documents as required per scope of works</b>	Refer to <b>pages 19 – 20</b> of this invitation to tender for full requirements			√
<b>Environmental</b>	Refer to <b>pages 21 – 22</b> of this invitation to tender for full requirements			√
<b>Due Diligence/financial analysis</b>	Refer to <b>pages 23 – 24</b> of this invitation to tender for full requirements			√
<b>SDL&amp;I</b>	Refer to <b>pages 24 – 25</b> of this invitation to tender for full requirements			√
	<b>DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHINICAL CRITERIA</b>			
Functionality/Technical	Refer to <b>pages 9 – 13</b> of this invitation to tender for full requirements	√		

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**ANNEXURE A**

**AUTHORISATION FORM**

Indicate the status of the *tenderer* by ticking the appropriate box below.

<b>A COMPANY</b>	<b>B CLOSE CORPORATION</b>	<b>C PARTNERSHIP</b>	<b>D JOINT VENTURE</b>	<b>E SOLE PROPRIETOR</b>	<b>F TRUST</b>

The *tenderer* must complete the appropriate certificate set out below for its category of organisation. If the *tenderer* is a company, close corporation, joint venture, or trust the *tenderer* must attach a certified copy the document that is proof of the contents of the certificate (resolution of the board of directors of a company, members’ resolution of a close corporation, power of attorney in the case of a joint venture, or resolution of the board of trustees of a trust).

Note further that, in addition to completing the relevant certificate for category of organisation, the authorised representative of the *tenderer* is also required to complete and sign the table at the end of this Authorisation Form.

**A. Certificate for company**

I, \_\_\_\_\_, in my capacity as \_\_\_\_\_ of the board of directors of \_\_\_\_\_, hereby confirm that by resolution of the board taken on \_\_\_\_\_ (date), Mr/Ms \_\_\_\_\_, acting in his/her capacity of \_\_\_\_\_, is authorised to submit this tender on behalf of the company, and to sign all documents in connection with this tender and any contract that may result from it on behalf of the company. A certified copy of the resolution of the board is annexed to this Form.

<b>Signed:</b>	<b>Date:</b>
<b>Name:</b>	<b>Position:</b>

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**B. Certificate for close corporation**

I, \_\_\_\_\_, in my capacity as member of \_\_\_\_\_, hereby confirm that by majority vote of the members taken on \_\_\_\_\_ (date), Mr/Ms \_\_\_\_\_, acting in his/her capacity of \_\_\_\_\_, is authorised to submit this tender on behalf of the close corporation, and to sign all documents in connection with this tender and any contract that may result from it on behalf of the close corporation. A certified copy of the members' resolution is annexed to this Form.

<b>Signed:</b>	<b>Date:</b>
<b>Name:</b>	<b>Position:</b>

**C. Certificate for partnership**

We, the undersigned, being the **key partners** in the business trading as \_\_\_\_\_ hereby authorise Mr/Ms \_\_\_\_\_, acting in his/her capacity of \_\_\_\_\_, to submit this tender on behalf of the partnership, and to sign all documents in connection with the tender and any contract that may result from it on behalf of the partnership.

Name	Address	Signature	Date


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

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**D. Certificate for Joint Venture**

We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorise Mr/Ms \_\_\_\_\_, an authorised signatory of \_\_\_\_\_, being the lead member in the Joint Venture, to sign all documents in connection with the tender and any contract that may result from it on behalf of all the members in the Joint Venture.

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

We attach to this Form a certified copy of the Joint Venture Agreement which incorporates a statement that all members in the Joint Venture are liable jointly and severally for the execution of the contract, a term that indicates which member will be the lead member, and terms that indicate the ratios according to which work and payment will be divided amongst the members.

Name of JV member	Address	Authorised signature, name and capacity
Lead member		
Member		
Member		
Member		

**NOTE: This certificate is required to be completed and signed by all members of the joint venture. Attach additional pages if more space is required.**

**E. Certificate for sole proprietor**

I, \_\_\_\_\_, hereby confirm that I am the sole proprietor of the business trading as \_\_\_\_\_

<b>Signed:</b>	<b>Date:</b>
<b>Name:</b>	<b>Position:(Sole Proprietor)</b>

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**F. Certificate for trust**

I, \_\_\_\_\_, in my capacity as \_\_\_\_\_ of the board of trustees of \_\_\_\_\_, hereby confirm that by resolution of the board of trustees taken on \_\_\_\_\_ (date), Mr/Ms \_\_\_\_\_, acting in his/her capacity of \_\_\_\_\_, is authorised to submit this tender on behalf of the trust and to sign all documents in connection with this tender and any contract that may result from it on behalf of the trust. A certified copy of the resolution of the board of trustees is annexed to this Form.

<b>Signed:</b>	<b>Date:</b>
<b>Name:</b>	<b>Position:</b>

**NOTE:** The table below must also be fully completed by all *tenderers* in addition to the certificate that was selected and completed above.

<b>Name of tenderer:</b>	
<b>Full names of authorised signatory:</b>	
<b>Designation and capacity:</b>	
<b>Signature of authorised signatory</b>	
<b>Date of signature:</b>	

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**ANNEXURE B**

**ACKNOWLEDGEMENT FORM**

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


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

Correct as stated in the Invitation to Tender / 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 Invitation to Tender
2. We have already supplied Eskom with the cataloguing information pertaining to this Invitation to Tender in a previous contract/order [***insert previous contract/order number***]  \_\_\_\_\_
3. We do not intend to provide the required cataloguing information for the reasons stated hereunder:

---



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4. We are a Distributor/Importer/Agent and our Principal, being the Original Equipment Manufacturer (OEM), is or is not [***delete whichever is not applicable***] in the position to supply cataloguing information for items. We attach the letter from the OEM confirming its position.

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

Name of Tenderer: \_\_\_\_\_

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

Full names of contact person: \_\_\_\_\_

Contact details:

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

<b>Name of tenderer:</b>	
<b>Full names of authorised signatory:</b>	
<b>Signature:</b>	
<b>Designation and capacity:</b>	
<b>Date:</b>	

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## ANNEXURE C

### 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 individual companies and each JV member) or trust number.	
VAT registration number (for individual companies and each JV member)	
CIDB registration number (for individual companies and each JV member), contractor grading designation (for individual companies and each 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 in the case of a 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 National Treasury's Central Supplier Database (CSD), please provide your supplier registration number with Treasury \_\_\_\_\_
3. Please note that it is not mandatory for you to be registered on National Treasury's CSD at the time of responding to this tender. It is, however, a mandatory requirement that you be registered on CSD prior to award.
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 E-filing system, please provide your PIN number in order to verify your tax compliance 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 E-filing PIN, please confirm that you have attached or will furnish a copy of a current valid tax compliance certificate as a tender returnable by contract award stage.

YES		NO	

7. **If sub-contracting is prescribed in the Invitation to Tender , tenderers must complete 7.1 to 7.9.**

7.1 Confirm if you intend sub-contracting


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

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

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

7.4 Is the said sub-contractor registered on CSD?

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

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

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

7.7 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).

7.8 Please confirm that you have attached your signed intention to sub-contract document.

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

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

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

<b>Name of tenderer:</b>	
<b>Full names of authorised signatory:</b>	
<b>Signature:</b>	
<b>Designation and capacity:</b>	
<b>Date:</b>	

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## **ANNEXURE D**

### **INTEGRITY DECLARATION FORM**

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

#### **1 DECLARATION OF INTEREST**

I/We understand that an employee of the State as defined in the Public Service Act of 1994 is prohibited from conducting business with any organ of state and from being a director of a public or private company that conducts business with an organ of state.

I/We understand that any natural/legal person, including any natural legal person related to an Eskom employee/director as per the definition of "related" set out hereunder, may submit a tender to Eskom. However, in order to establish whether a conflict of interest exists tenderers are required to declare such interest/relationships where: -

1. the *tenderer/s* employees/directors are also employees/contractors/consultants/ directors of Eskom.
2. the *tenderer/s* employees/directors are also employees/contractors/consultants or directors in another entity together with Eskom employees/consultants/contractors/ directors.
3. the *legal entity including its employees/contractors/ directors / shareholders /members /partners / owners* on whose behalf the tender documents are signed, is/are in some other way related to an Eskom employee/contractor/consultant/director involved in the tender specification/ tender evaluation/tender adjudication/negotiation.
4. the *tenderer/s* and one or more other tenderers in this tendering/RFP process have a controlling partner in common, or 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 over the tender of another tenderer, or influence over the decisions of Eskom regarding the bidding process;

#### **Related:**

(1) When used in respect of two persons, means persons who are connected to one another in any manner contemplated below:

- (a) an individual is related to another individual if they-
  - (i) are married, or live together in a relationship similar to a marriage; or
  - (ii) are separated by no more than two degrees of natural or adopted consanguinity or affinity;

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- (b) 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 set out in subsection (2) below; and
- (c) a juristic person is related to another juristic person if-
- (i) either of them directly or indirectly controls the other, or the business of the other, as determined in accordance with subsection (2) below;
  - (ii) either is a subsidiary of the other; or
  - (iii) a person directly or indirectly controls each of them, or the business of each of them, as determined in accordance with subsection (2) below.

“related person”, when used in reference to a directors/shareholders/members/partners/owners, has the meaning set out in 3.3.16, but also includes a second company of which the directors/shareholders/members/partners/owners or a related person is also a director directors/shareholders/members/partners/owners, or a close corporation of which the director or a related person is a member.

#### **Control:**


- (2) For the purpose of subsection (1) above, a person controls a juristic person, or its business, if-
- (a) in the case of a juristic person that is a company-
- (i) that juristic person is a subsidiary of that first person, as determined in accordance with the Companies Act<sup>1</sup>; or
  - (ii) that first person together with any related or inter-related person, is-
    - (aa) directly or indirectly able to exercise or control the exercise of a majority of the voting rights associated with securities of that company, whether pursuant to a shareholder agreement or otherwise; or
    - (bb) has the right to appoint or elect, or control the appointment or election of, directors of that company who control a majority of the votes at a meeting of the board;
- (b) in the case of a juristic person that is a close corporation, that first person owns the majority of the members’ interest, or controls directly, or has the right to control, the majority of members’ votes in the close corporation;

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- (c) in the case of a juristic person that is a trust, that first person has the ability to control the majority of the votes of the trustees or to appoint the majority of the trustees, or to appoint or change the majority of the beneficiaries of the trust; or
- (d) that first person has the ability to materially influence the policy of the juristic person in a manner comparable to a person who, in ordinary commercial practice, would be able to exercise an element of control referred to in paragraph (a), (b) or (c) of subsection (2).

“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 an employee/consultant/ contractor and/or director of a State/State owned entity.</b>	<b>Full Names &amp; Capacity/Position of Eskom employee/ consultant/contractor and/or director details of the relationship or interest (marital/ familial/personal/ financial etc.)</b>	<b>To your knowledge is this person involved in the specification/ evaluation/ adjudication/ negotiation of tenders?</b>

If any employee/director/member/shareholder/owner of the tenderer/s is also currently employed by Eskom, state whether this has been declared and whether there is authorisation to undertake remunerative work outside public sector employment and attach proof to this declaration. \_\_\_\_\_[Yes/No]

Do the tenderer/s and any other tenderer/s in this tendering/RFP process share a controlling partner or have any relationship with each other, directly or through common third parties? \_\_\_\_\_[Yes/No]

If Yes, attach proof. to this declaration

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## 2 DECLARATION OF FAIR TENDERING PRACTICES

The tenderer declares that it has taken all reasonable steps to address and prevent the exploitation of the procurement process and the use of any unfair tendering practices.

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

1. abused Eskom's procurement process (e.g. bid rigging/collusion); or
2. committed fraud or any other improper conduct in relation to such procurement process.

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

Item	Question	Yes	No
1.1	Is the tenderer/s or any of its shareholders/ directors/ members/ partners/ owners/ trustees/ beneficiaries listed on National Treasury's Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector.  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> ).		
1.2	Is the tenderer/s or any of its shareholders/directors/members/partners/owners/trustees/beneficiaries listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004)  The Register for Tender Defaulters can be accessed on the National Treasury's website ( <a href="http://www.treasury.gov.za">www.treasury.gov.za</a> ).		
1.3	Was the tenderer/s or any of its shareholders/directors/members/partners/owners/trustees/beneficiaries convicted by a court of law (including a court outside South Africa) of fraud and/or corruption in respect of any procurement/tendering processes/procedures during the past five years?		
1.3.1	If "Yes", provide details including a case number and a copy of the judgement.		
1.4	Was the tenderer/s or any of its shareholders/ directors/ members/ partners/ owners/ trustees/ beneficiaries prohibited from doing business with any International Financial/Lending Institution or Development/ Funding Agency?		
1.5	Is there any history/record of the tenderer/s or any of its shareholders/directors/members/partners/owners/turstees/beneficiaries failing to meet their contractual obligation with the State or any State Owned Entity(SOC)?		
1.5.1	If "Yes", provide details		
1.6	Is the tenderer/s or any of its directors restricted by Eskom?		

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### 3. DECLARATION OF SHAREHOLDING / BENEFICIARY INFORMATION

I, the undersigned \_\_\_\_\_ [Full names and 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 / Beneficiaries  
 in \_\_\_\_\_ [Name of Tenderer]:

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

#### Individuals:

Full Name	Identity Number	Shareholding Percentage / Beneficiary Share

#### Other Entities\*:


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

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I declare that I have read and understood the provisions of the Supplier Integrity Pact, that all information furnished herein is true and correct, that it is understood that the tenderer's tender may be rejected, and that Eskom will act against the tenderer 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>Name of Tenderer:</b>	
<b>Full names of authorised signatory:</b>	
<b>Signature:</b>	
<b>Designation and capacity:</b>	
<b>Date:</b>	

**Joint Ventures**

I declare that I have read and understood the provisions of the Supplier Integrity Pact, that all information furnished herein is true and correct that it is understood that the JV's tender 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 purposes 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>Name of Tenderer:</b>	
<b>Full names of authorised signatory:</b>	
<b>Signature:</b>	
<b>Designation and capacity:</b>	
<b>Date:</b>	

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**ANNEXURE E (Not Applicable)**

**CONTRACT PRICE ADJUSTMENT (CPA) REQUIREMENTS FOR LOCAL GOODS AND SERVICES.**

**ANNEXURE F (Not Applicable)**

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

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## **ANNEXURE G1**

SBD 6.2

### **DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS**

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

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

#### **1. General Conditions**

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

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

Where:

x is the imported content in Rand

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

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

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


- 1.5. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted at the stipulated deadlines.

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**2. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:**

Sector	Components	Local Content Threshold
Steel Products and Component for Construction	Fabricated Structural Steel	100%
Cement	CEMI	100%
Cement	CEMII	100%

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

(Tick applicable box)

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

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

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

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

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

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

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

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

**LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)**

**IN RESPECT OF BID NO.** .....

**ISSUED BY:** (Procurement Authority / Name of Institution):  
.....

NB

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

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

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

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

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

(d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.

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

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**WITNESS No. 1** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**WITNESS No. 2** \_\_\_\_\_ **DATE:** \_\_\_\_\_

[Annexure G2 – Local Content Declaration - Summary Schedule \(Annex C\)](#)



Adobe Acrobat Document

[Annexure G3 – Imports Declaration – Supporting Schedule to Annex C \(Annex D\)](#)



Adobe Acrobat Document

[Annexure G4 – Local Content Declaration – Supporting Schedule to Annex C \(Annex E\)](#)



Adobe Acrobat Document

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**ANNEXURE H**

**SBD 1**

**PART A  
INVITATION TO BID**

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)</b>					
BID NUMBER:	E3162DXMPOU	CLOSING DATE:	28 July 2026	CLOSING TIME:	10h00 am
DESCRIPTION	Supply, Delivery, Construction and Erection of a 40m ET Tower at Fondwe Radio Station within LimLanga Cluster – Limpopo Area for a period of 12 months				
<b>BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)</b>					
<a href="https://etendering.eskom.co.za">https://etendering.eskom.co.za</a>					
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>			<b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>		
CONTACT PERSON	Ndivhuwo Radzilani		CONTACT PERSON	Ndivhuwo Radzilani	
TELEPHONE NUMBER	015 230 1532		TELEPHONE NUMBER	015 230 1532	
FACSIMILE NUMBER	N/A		FACSIMILE NUMBER	N/A	
E-MAIL ADDRESS	<a href="mailto:RadzilNM@eskom.co.za">RadzilNM@eskom.co.za</a>		E-MAIL ADDRESS	<a href="mailto:RadzilNM@eskom.co.za">RadzilNM@eskom.co.za</a>	
<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					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]	
<b>QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>					
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>					

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DOES THE ENTITY HAVE A BRANCH IN THE RSA?  YES  NO  
 DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?  YES  NO  
 DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?  YES  NO  
 IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?  YES  NO  
**IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.**

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## PART B TERMS AND CONDITIONS FOR BIDDING

<b>1. BID SUBMISSION:</b>
<p>1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.</p> <p>1.2. <b>ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED (NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.</b></p> <p>1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.</p> <p>1.4. <b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</b></p>
<b>2. TAX COMPLIANCE REQUIREMENTS</b>
<p>2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.</p> <p>2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE <a href="http://WWW.SARS.GOV.ZA">WWW.SARS.GOV.ZA</a>.</p> <p>2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.</p> <p>2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.</p> <p>2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.</p> <p>2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."</p>

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

SIGNATURE OF BIDDER: .....

CAPACITY UNDER WHICH THIS BID IS SIGNED: .....  
(Proof of authority must be submitted e.g. company resolution)


DATE: .....

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**ANNEXURE I**

**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**

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

**1.2 To be completed by the organ of state**

- a) The applicable preference point system for this tender is the **80/20** preference point system.
- b) The **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.

- 1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:
- (a) Price; and
  - (b) Specific Goals.

**1.4 To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

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

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- 1.5 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.
- 1.6 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.

## 2. DEFINITIONS

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

## 3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

### 3.1. POINTS AWARDED FOR PRICE

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

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

**80/20**

$$P_s = 80 \left( 1 - \frac{P_t - P_{min}}{P_{min}} \right)$$

Where

$P_s$  = Points scored for price of tender under consideration

$P_t$  = Price of tender under consideration

$P_{min}$  = Price of lowest acceptable tender

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

#### 3.2.1. POINTS AWARDED FOR PRICE

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

**80/20**

$$P_s = 80 \left( 1 + \frac{P_t - P_{max}}{P_{max}} \right)$$

Where

- P<sub>s</sub>** = Points scored for price of tender under consideration  
**P<sub>t</sub>** = Price of tender under consideration  
**P<sub>max</sub>** = Price of highest acceptable tender

#### 4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. 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:
- 4.2. 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—
- (a) 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
  - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,
- then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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

***(Note to organs of state: Where the 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.)***

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

**DECLARATION WITH REGARD TO COMPANY/FIRM**

4.3. Name of company/firm.....

4.4. Company registration number: .....

4.5. TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One-person business/sole proprietor
- Close corporation
- Public Company
- Personal Liability Company
- (Pty) Limited
- Trust
- Non-Profit Company
- State Owned Company

[TICK APPLICABLE BOX]

4.6. 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:

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

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- iii) 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;
- iv) 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 –
  - (a) disqualify the person from the tendering process;
  - (b) recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
  - (c) 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;
  - (d) 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
  - (e) forward the matter for criminal prosecution, if deemed necessary.

.....

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

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

**DATE:** .....

**ADDRESS:** .....

.....

.....

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	<b>Invitation to Tender</b>	<b>Document Identifier</b>	240-114238630	<b>Rev</b>	28	
		<b>Effective Date</b>	07 April 2026			
		<b>Review Date</b>	April 2031			

**ANNEXURE J**

**SBD 4**

**TENDERER'S DISCLOSURE**

**1. PURPOSE OF THE FORM**

Any person (natural or juristic) may make an offer or offers in terms of this invitation to tender / request for proposal. 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, Eskom requires the tenderer 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, including Restriction by Eskom, that person will automatically be disqualified from the tender process.

**2. TENDERER'S DECLARATION**

2.1 Is the tenderer or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest 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 the table below.


Full Name	Identity Number	Name of State Institution

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2.2 Do you, or any person connected with the tenderer, have a relationship with any person who is employed by the procuring institution?

**[YES/NO]**

If so, furnish particulars:

.....  
.....

2.3 Does the tenderer 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]**

If so, furnish particulars:

.....  
.....

**3. DECLARATION**

I, the undersigned, (name)..... in submitting the accompanying tender, 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 tender will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The tenderer has arrived at the accompanying tender independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium will not be construed as collusive bidding.
- 3.4 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 tender, tendering with the intention not to win the tender and conditions or delivery particulars of the products or services to which this tender invitation relates.

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