ESKOM HOLDINGS SOC LTD

INVITATION TO TENDER

FOR

IMPALA SUBSTATION TRANSFORMER 1 & 3 AUX BUNDWALL CONSTRUCTION

<table>
<thead>
<tr>
<th>Tender number</th>
<th>DD6753/LM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Issue date</td>
<td>29 May 2019</td>
</tr>
<tr>
<td>Closing date and time</td>
<td>01 July 2019 at 10h00</td>
</tr>
<tr>
<td>Tender validity period</td>
<td>12 weeks from the closing date and time</td>
</tr>
<tr>
<td>Clarification meeting</td>
<td>05 June 2019 at 10h00</td>
</tr>
<tr>
<td></td>
<td>Impala substation 28.765859S 31.946717E</td>
</tr>
<tr>
<td></td>
<td>THE TENDER OFFICE</td>
</tr>
<tr>
<td></td>
<td>Eskom Commercial Services</td>
</tr>
<tr>
<td></td>
<td>Procurement Offices</td>
</tr>
<tr>
<td></td>
<td>25 Valley View Road</td>
</tr>
<tr>
<td></td>
<td>New Germany 3620</td>
</tr>
</tbody>
</table>

Confidential

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorised version on the system.

No part of this document may be reproduced without the expressed consent of the copyright holder, Eskom Holdings SOC Ltd, Reg No 2002/015527/30.

File name: Invitation to tender
Invitation to Tender for Proposal

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a tender for IMPALA SUBSTATION TRANSFORMER 1 & 3 AUX BUNDWALL CONSTRUCTION

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

- Free of charge

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

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

Yours faithfully

Nerash Singh

Procurement Manager

KZN Operating Unit

Date: 28/05/2019

Confidential

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorised version on the system.

No part of this document may be reproduced without the expressed consent of the copyright holder, Eskom Holdings SOC Ltd, Reg No 2002/015527/30.
Contents of Invitation to Tender/Enquiry documents

1. Invitation to tender
   1.1 Standard Conditions of Tender (refer to www.eskom.co.za for this document that suppliers are required to download and read)
   1.2 Tender Data
   1.3 Commercial Tender returnables

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

3. Condition of contract (see contract conditions attached)

4. Scope of work/Works Information/Employers Requirements (see Contract attached)

5. Pricing data (See contract attached)

6. Annexures

<table>
<thead>
<tr>
<th>Number</th>
<th>Description</th>
<th>Annexure/to be downloaded and attached</th>
<th>Attached (Y/N)</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.1</td>
<td>*Acknowledgement form</td>
<td>Annexure A</td>
<td>Y</td>
</tr>
<tr>
<td>6.2</td>
<td>*Tenderer's particulars</td>
<td>Annexure B</td>
<td>Y</td>
</tr>
<tr>
<td>6.3</td>
<td>* 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)</td>
<td>Annexure C</td>
<td>Y</td>
</tr>
<tr>
<td>6.8</td>
<td>*Addenda acknowledgement form</td>
<td>Annexure H</td>
<td>Y</td>
</tr>
<tr>
<td>6.9</td>
<td>Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE [only to be attached for services type of contracts].</td>
<td>To be downloaded from Hyperwave</td>
<td>Y</td>
</tr>
<tr>
<td>6.10</td>
<td>SBD 1 - Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline</td>
<td>Annexure I</td>
<td>Y</td>
</tr>
<tr>
<td>6.11</td>
<td>SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations</td>
<td>Annexure J</td>
<td>Y</td>
</tr>
</tbody>
</table>

Confidential

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorised version on the system.

No part of this document may be reproduced without the expressed consent of the copyright holder, Eskom Holdings SOC Ltd, Reg No 2002/015527/30.
The Tender Data makes several references to the **Eskom Standard Conditions of Tender** (refer to [www.eskom.co.za](http://www.eskom.co.za) for this document that suppliers are required to download and read). The clauses that apply specifically to this Invitation are referenced hereunder. The “**Tender Data**” shall take precedence over the **Standard Conditions of Tender** in the event of any ambiguity or inconsistency between the two documents.

<table>
<thead>
<tr>
<th>Clause Number from Standard Conditions of Tender</th>
<th>Tender Data</th>
</tr>
</thead>
</table>
| 1.1 Parties                                     | The **Employer** is **Eskom Holdings SOC Ltd**  

The **Eskom Representative** is:  
- **Name:** Lungile Mtambo  
- **Tel:** 031 710 5334  
- **E-mail:** mtambol@eskom.co.za|
| 2.1 Eligible tenders                            | Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture) complies with the **eligibility criteria** stated in the Tender Data and the tenderer, or any of his principals, is not under any restriction to do business with Eskom/State Owned Companies.  

Tenderers are deemed **ineligible** to submit a tender if  
- Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be deemed to have the nationality of a country if the tenderer is a national or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also apply to the determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services.  
- Tenderers submit more than one tender either individually or as a partner in a joint venture (JV) or consortium  
- Tenders submitted by a JV or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms.  
- A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. A Tenderer may be considered to have a conflict of interest with one or more parties in this tendering process, if:  
  - (a)they have a controlling partner/majority shareholder in common; or

**Confidential**  
When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorised version on the system.

No part of this document may be reproduced without the expressed consent of the copyright holder, Eskom Holdings SOC Ltd, Reg No 2002/015527/30.
(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 influence the decisions of the Employer regarding this bidding process;

- Tenders signed by non-authorized persons
- Where the tenderers are not registered on National Treasury’s Central Supplier Database (except Foreign Suppliers)
- A tender that fails to meet any pre-qualifying criteria stipulated in the tender documents is an unacceptable tender (section 4 (2) of PPPFA Regulations
- Any tenderer that is restricted by National Treasury
- A tenderer that sub-contracts 100% Scope of Work.

Ineligible tenderers will be disqualified.

1.3 Enquiry documents

The Invitation to tender number is: DD6753/LM

See the content list above for the enquiry documents.

All relevant documentation for this tender will be uploaded onto the Eskom Tender Portal, it is the responsibility of the tendering party to ensure all the required documentation is downloaded and completed.

The tender must be submitted in the following format:

<table>
<thead>
<tr>
<th>SECTION</th>
<th>ORIGINAL</th>
<th>COPY</th>
</tr>
</thead>
<tbody>
<tr>
<td>SECTION 1 – will comprise of the Commercial</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>SECTION 2 – will comprise of the Technical Requirements</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>SECTION 3 – will comprise of the SHE Requirements</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>SECTION 4 – will comprise of the Quality Requirements</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>SECTION 5 – will comprise of the Environmental Requirements</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>

1.4 Type of Invitation to Tender

This invitation to tender is:

1. An open Invitation to tender

1.6 Eskom’s rights to accept or reject any tender

The tender shall be for the whole of the contract.

Confidential

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorised version on the system.

No part of this document may be reproduced without the expressed consent of the copyright holder, Eskom Holdings SOC Ltd, Reg No 2002/015527/30.
### 2.2 - 2.5 Tender Closing

The deadline for **Tender** submission is:
- **Date**: 01 July 2019
- **Time**: 10h00

**Late Tenders will not be accepted**

Tenders are to be submitted to the Eskom tender box at the following physical address:

**THE TENDER OFFICE**
Eskom Commercial Services
Procurement Offices
25 Valley View Road
New Germany
3620

If your document is too big to fit into the tender box, the documents can be submitted to an Eskom Tender Office Official at the Eskom Tender Office, during the following times:

Monday – Friday: 07H30 – 16H00 prior to tender closing. No tender documents will be accepted after the stipulated tender closing date and time.

### 3.10 Mandatory tender returnables

See below list of Tender Returnables, some of these are mandatory at the Tender submission deadline, and others are mandatory prior to contract award.

The tenderer will be disqualified if mandatory tender returnables are not submitted on/before the stipulated deadlines.

However, where required for scoring purposes only; they will be scored zero; but not disqualified. Where certain documents may be required as evidence of compliance to Pre-qualification criteria; and these are not provided by stipulated deadlines; then the tenders will be disqualified.

### 2.9 Copy of original tender

The tenderer shall submit an original tender, plus 1 **complete** hard copy of the original tender at tender submission deadline.

Where a Tenderer does not submit 1 complete hard copy of the original tender at tender submission deadline, the tenderer will be disqualified.

### 2.13 Tender Validity Period

The tender validity period is 12 weeks

---

**Confidential**

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system.

No part of this document may be reproduced without the expressed consent of the copyright holder, Eskom Holdings SOC Ltd, Reg No 2002/015527/30.
2.16 Site/clarification meetings

A Clarification meeting with representatives of the Employer will take place as follows:

Date: 05 June 2019
Time: 10h00
Venue: Impala substation
28.765859S 31.946717E

It is to be noted that this is a non-compulsory clarification meeting, although, it will be in your best interest to attend this meeting as information will be communicated which will assist you in compiling your tender.

Tenderers must confirm their intention to attend with the Eskom Representative stating the name, position and contact details of each proposed attendee.

2.17 Clarification on enquiry documents

The tenderer will notify the Employer of any clarifications required before the closing time for clarification queries, which is 5 working days before the deadline for tender submission.

2.25 Conditions of contract

The conditions of contract will be the NEC 3 ECSC (Engineering Construction Short Contract)

2.23 Alternative tenders

Alternative tenders are not allowed

2.31 Provision of security for performance

Not Applicable

3.4 Opening of tenders

Tenders will be opened at the same date and time as the tender deadline

3.5 Prices to be read out

Prices will not be read out

3.9 Basic Compliance

Basic compliance for this invitation to tender are:

- Meet the eligibility criteria for a tenderer
- Submit an original tender, plus 1 complete hard copy of the original tender at tender submission deadline.
- Submit a complete original tender with commercial, financial and technical information
- Submission of the mandatory commercial tender returnables as at stipulated deadlines.
- Central Supplier Database (CSD) number (MAA,........)

Confidential

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorised version on the system.

No part of this document may be reproduced without the expressed consent of the copyright holder, Eskom Holdings SOC Ltd, Reg No 2002/015527/30.

File name: Invitation to tender
### 3.10 Mandatory tender returnables

Mandatory tender returnables required for scoring are listed hereunder.

1. CSD Report
2. A fully priced BOQ – Should the BOQ not be completed in its entirety the supplier will be disqualified
3. Fully completed and signed SBD.1 form
4. Fully completed and signed SBD.6.1 form
5. Proof of registration with CIBD for level 1 GB

Tenderers who do not submit mandatory tender returnables as at stipulated deadlines will be disqualified.

### 3.11 Pre-qualification criteria

N/A

### 3.12 Designated materials and thresholds

Designated material thresholds is not applicable

### 3.13 Functional requirements

Functional requirements are applicable.

Note the requirements for technical functional scoring hereunder.

**TECHNICAL:**

All technical evaluation criteria are mandatory for evaluation purposes

Functionality will be evaluated as 100% Technical Requirements, the technical requirements are attached to Part 2 of the tender documentation which can be found on the Eskom Tender Portal at [www.eskom.co.za](http://www.eskom.co.za)

The minimum weighted average score required for a tender to be technically acceptable is 70%

This Procurement Process will result in a contract to be placed with 1 supplier to provide us with services.

### 3.15 Evaluation of price

Prices will be evaluated as follows:

- Inclusive of VAT
- Making the specified correction for arithmetical errors
- Excluding contingencies in any bill of quantities or activity schedule.
- Making an adjustment based on the application of the quantitative information entered by tenderers in the Contract Data provided by the Contractor to provisional amounts

---

**Confidential**

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorised version on the system.

No part of this document may be reproduced without the expresssed consent of the copyright holder, Eskom Holdings SOC Ltd, Reg No 2002/015527/30.

File name: Invitation to tender
assessed by Eskom's Representative. A model tender assessment schedule suitable for use with Options A and B of the NEC Engineering and Construction Contract may be included in the tender returnables for this purpose.

- Making an appropriate adjustment for any other acceptable variations, deviations, loss evaluation or alternative tenders submitted.
- Making a comparison of the Nett Present Value of each adjusted tender based on the tendered programme (if provided) and prices, on the estimated effect of Price Adjustment Factors and rate of exchange fluctuations (if applicable) and on other evaluation parameters relating to uncertainty and risk.
- Unconditional discounts must be taken into account for evaluation purposes;
- Conditional discounts must not be taken into account for evaluation purposes but should be implemented when payment is affected.
- Prices will be scored out of 80 points

3.17 Evaluation of B-BBEE

B-BBEE status will be scored out of 20 points in accordance with PPPFA. If a tenderer fails to submit proof of B-BBEE status level the tender will not be disqualified (except if B-BBEE level is a pre-qualification criterion), but tenderer:

- May only score points out of 80 for price; and
- Scores 0 points out of 20 for B-BBEE

3.18 Ranking of tenders

Suppliers will be ranked by applying the preferential point scoring based on the:

- 80/20
- Eskom will then add the score from Pricing and the B-BBEE level together and rank the suppliers from the highest to the lowest.

Only the highest ranked suppliers in terms of the 80/20 PPPFA preferential point scoring will continue to the next stage of being evaluated for compliance to the objective criteria.

3.19 Objective criteria (if applicable)

Objective criteria *are applicable*

---

**Confidential**

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorised version on the system.

No part of this document may be reproduced without the expressed consent of the copyright holder, Eskom Holdings SOC Ltd, Reg No 2002/015527/30.
The following objective criteria apply:
- Safety requirements;
- Environmental Requirements;
- Quality Requirements; and

It is to be noted that this is NOT a development contract. Therefore the top supplier identified in terms of the 80/20 PPPFA preferential point scoring will be evaluated for objective criteria. Should the supplier not meet the requirement at tender stage they will be given only 1 opportunity to submit the outstanding requirements. Should the suppliers still not satisfy the requirement they will then be disqualified and the next supplier in terms of the 80/20 PPPFA preferential point scoring will be selected to take part in this enquiry.

Please note:-
- “Eskom reserves the right to award the tender to a supplier who may not be the highest scoring/highest ranked tenderer, in line with Section (2) (1) (f) of the PPPFA; subject to the right to negotiate on the objective criteria with the three highest ranked tenderers respectively before award is made.
- Tenderers will not be disqualified if they do not comply with the objective criteria
- Functionality and any element of the B-BBEE scorecard may not be used as objective criteria.

Please note:

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

“Eskom reserves the right to award to a supplier who may not be the highest scoring/ highest ranked supplier, in line with Section (2)(1)(f) of the PPPFA.”

Eskom may only cancel a tender for the second time with the prior approval of the relevant treasury. Eskom must make representation to the relevant treasury stating reasons for cancellation for the second time. This cancellation(for the second time), however does not refer to price quotations in terms of threshold for procurement but tenders that have been advertised for open competitive tendering process.

The decision to cancel a tender invitation will be published in the same manner in which the original tender invitation was advertised.

Prequalification may be used in identified tenders to advance designated groups on the basis of B-BBEE Status Level of contributor, EME or QSE or on the basis of subcontracting with Confidential

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorised version on the system.

No part of this document may be reproduced without the expressed consent of the copyright holder, Eskom Holdings SOC Ltd, Reg No 2002/015527/30.
EMEs or QSEs which are 51% owned by either of the following: Blacks; Black Youth; Black Women; Black people with disabilities; Black people living in rural or underdeveloped areas or townships; cooperatives owned by Black people; Black people who are Military Veterans.

If feasible to sub-contract for a contract above R30M, Eskom must apply sub-contracting to advance certain designated groups.

When Eskom decides to apply the sub-contracting provision as specified in Regulation 4(c) all tenders above the prescribed maximum threshold for quotations must be advertised through an open competitive bidding process subject to potential tenderers meeting the 30% minimum subcontracting requirement to EMEs or QSEs that are 61% owned by the following enterprises:

(i) Black people
(ii) Black people who are youth
(iii) Black people who are women
(iv) Black people with disabilities
(v) Black people living in rural or underdeveloped areas or townships
(vi) Co-operatives which are 51% owned by Black people
(vii) Black people who are military veterans

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 primary contractor subcontracts with a subsidiary this must be declared in tender documents.

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

Confidential

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorised version on the system.

No part of this document may be reproduced without the expressed consent of the copyright holder, Eskom Holdings SOC Ltd, Reg No 2002/015527/30.
1.3 TENDER RETURNABLES (refer to 2.8 above)

The tenderer must submit the returnables set out hereunder as part of its tender. (Mandatory returnables are indicated by a tick (✓), and if they are not included by tender deadline, the tenders will be disqualified from further evaluation).

Documents preceded by * are required at tender returnable stage (B-BBEE certificate) and although will not result in disqualification, will impact the scoring. A zero will be allocated, if not submitted by tender closing deadline.

Documents preceded by ** do not need to be submitted physically to Eskom( either at tender deadline or before contract award, if the tenderer is registered with CSD, has provided a valid registration number as required in Annexure B (the tenderer’s particulars) and such documents can be verified on CSD.

Please note that foreign suppliers (with no footprint in RSA) are not required to be registered on CSD and therefore they may be required to provide hard copies of relevant documentation.

<table>
<thead>
<tr>
<th>Reference</th>
<th>Returnables from supplier</th>
<th>Mandatory returnable for evaluation</th>
<th>Mandatory returnable for contract award</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basic Compliance</td>
<td>One (1) complete original and one (1) hard copy of the tender</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Annexure A</td>
<td>Acknowledgement Form</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Letter of intent to form a JV/consortium</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Additional Documents required in event of JV:-</td>
<td>Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios.</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Written confirmation that the joint venture will operate as a single business entity (incorporated) for the duration of the contract (this may be included as an obligation within the JV agreement)</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>* A trust, consortium or joint venture (including unincorporated consortia and joint ventures) must submit a consolidated B-BBEE Status Level Verification Certificate for every separate tender.</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>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.</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Annexure B</td>
<td>Tenderers Particulars</td>
<td></td>
<td>✓</td>
</tr>
</tbody>
</table>

Confidential

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorised version on the system.

No part of this document may be reproduced without the expressed consent of the copyright holder, Eskom Holdings SOC Ltd, Reg No 2002/015527/30.
<table>
<thead>
<tr>
<th>Annexure C</th>
<th>Integrity Pact Declaration form</th>
<th>✓</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annexure H</td>
<td>Confirmation of receipt of addenda to enquiry document</td>
<td>✓</td>
</tr>
<tr>
<td>Annexure I (applicable for all suppliers including Foreign suppliers)</td>
<td>SBD 1- to be submitted with the tender at tender submission deadline</td>
<td>✓</td>
</tr>
<tr>
<td>Annexure J</td>
<td>SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations</td>
<td>✓</td>
</tr>
<tr>
<td>*B-BBEE Certificates</td>
<td>BBB-EE Certificates /Preference points claim form in terms of the Preferential Procurement Regulations 2011 (not mandatory at tender returnable stage, and will not result in disqualification but will impact the scoring, and a zero will be allocated, if not submitted by tender deadline)</td>
<td>✓</td>
</tr>
<tr>
<td>Tax Clearance Certificates</td>
<td>Foreign suppliers (who have answered yes to any of the questions in the relevant section of SBD 1 and who have not provided a CSD or SARS E-filing pin number as per Annexure A, will need to provide a copy of a current valid tax compliance certificate</td>
<td>✓</td>
</tr>
<tr>
<td>Tax Questionnaire</td>
<td>Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE</td>
<td>✓</td>
</tr>
<tr>
<td>Signed Sub-contracting intent agreement</td>
<td>Tenderers must, where subcontracting is a pre-qualification requirement, submit proof of signed subcontracting intent agreement</td>
<td>N/A</td>
</tr>
<tr>
<td>Compliance with Employment Equity Act</td>
<td>To the extent that the tenderer falls within the definition of a &quot;designated Employer&quot; 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)</td>
<td>✓</td>
</tr>
<tr>
<td>Financial statements</td>
<td>Audited Financial Statements of the tenderer for the previous two financial years, or to the extent that such statements are not available, for the last year. Tenderers must note that in</td>
<td>✓</td>
</tr>
</tbody>
</table>

Confidential

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorised version on the system.

No part of this document may be reproduced without the expressed consent of the copyright holder, Eskom Holdings SOC Ltd, Reg No 2002/015527/30.
the case of a joint venture or special purpose vehicle (SPV) especially formed for this tender, audited financial statements for each participant in the JV / SPV is required. Start-up enterprises formed within the last 12 months are not required to send in statements, but if successful with their tender will be required to send statements for the first year when once available.

**CSD**
- Proof of Registration with the National Treasury Central Supplier Database (CSD)

**CIDB (where applicable)**
- Valid proof of CIDB (Construction Industry Development Board) Registration, (level 1 GB) However, where valid proof of CIDB Registration is not available at tender closing deadline, tenderers are at minimum expected to provide valid proof of application for Registration with the CIDB by tender closing deadline and proof of actual registration by contract award.

**Shareholding**
- Shareholding organogram / breakdown for each individual company/JV member clearly identifying percentages owned by individual shareholders (full names & ID Numbers) and other entities (provide full legal/trading name and respective identifying registration/trust numbers)

**NEC Documentation**
- Completed NEC pricing schedule and contract data.

**DOCUMENTS REQUIRED UNDER OBJECTIVE CRITERIA**

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Safety</td>
<td>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)</td>
<td>✓</td>
</tr>
<tr>
<td>Quality</td>
<td>Documents that may be required per scope of work</td>
<td>✓</td>
</tr>
<tr>
<td>Other safety/quality documents as required per scope of works</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Environmental</td>
<td>Documents that may be required as per scope of work</td>
<td>✓</td>
</tr>
<tr>
<td>Due Diligence</td>
<td>Financial statements etc that may be required for due diligence purposes.</td>
<td>✓</td>
</tr>
</tbody>
</table>

**Confidential**

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorised version on the system.

No part of this document may be reproduced without the expressed consent of the copyright holder, Eskom Holdings SOC Ltd, Reg No 2002/016527/30.
2.5 FUNCTIONALITY CRITERIA AND SUB-CRITERIA FOR TECHNICAL SCORING

All technical evaluation criteria are mandatory at tender closing

<table>
<thead>
<tr>
<th>Criteria that will be used to score each tender:</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Technical</td>
<td>100%</td>
</tr>
</tbody>
</table>

The minimum weighted average score required for a tender to be technically acceptable is 70%.

REFER TO ATTACHED SECTION 2 – TECHNICAL EVALUATION CRITERIA REQUIREMENT FOR THE DETAILED BREAKDOWN.
ADDITIONAL CONDITIONS OF TENDER ARE:

“In order to avoid the risks of tender tampering and/or the disclosure of confidential information during tender evaluations, you are required to supply Eskom with copies of your original tender in the following format and quantities, by the deadline for tender submission:

- Hard copies – [original plus one (1) identical copy of the original with all supporting documentation]

- Upon evaluation of tenders received, a contract may be concluded with one or more respondents.
- Eskom reserves the right to enter into negotiations with any one or more of the respondents.
- The onus is upon the Supplier to ensure that copies of the documentation listed above are in his/her possession and that his/her proposal is submitted strictly in accordance with the documents concerned.
- All clarification questions and additional information sought during the tendering process must be submitted in writing. Written confirmation of the answers given and notes covering required questions will be issued, to all tenderers. These notes shall form part of the Tender Dossier and it will be the responsibility of the Tenderer to ensure that he/she receives the notes, which will be posted on the Tender Bulletin.
- If two or more tenderers form a joint venture, consortium or other unincorporated grouping of two or more persons (“joint venture”), a copy of the joint venture agreement entered into between the partners must be submitted. Joint ventures are treated as single business entities and should submit a single B-BBEE certificate.
- The information contained in this document is of a confidential nature, and may only be used for purpose of responding to this tender. This confidentiality clause extends to partners, whom you may decide to involve in preparing a response to this tender. The tender and supporting documents submitted as part of your response will be the property of Eskom.
- Eskom will treat all information as received as confidential.
- All costs incurred in the preparation, presentation/demonstration and submission of your tender response will be for the Tenderers account.
- The suppliers must complete the declaration of interest form attached, to indicate that none of its personnel have any involvement or interest in Eskom and likewise no Eskom personnel have any involvement or interest in the respondent's business as regards this enquiry.
- A supplier may ask for an extension of closing time in writing at least five (5) working days before tender closing / enquiry closing.

Confidential

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorised version on the system.

No part of this document may be reproduced without the expressed consent of the copyright holder, Eskom Holdings SOC Ltd, Reg No 2002/015527/30.
ANNEXURE A

ACKNOWLEDGEMENT FORM

Acknowledgement:

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: □

Cataloguing Acknowledgement:

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

1. We agree to provide the cataloguing information as described in the tender submission. □

2. We have already supplied Eskom with the cataloguing information pertaining to this enquiry in a previous contract/order [insert previous invitation to tender/RFQ number] □

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

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

Confidential

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorised version on the system.

No part of this document may be reproduced without the expressed consent of the copyright holder, Eskom Holdings SOC Ltd, Reg No 2002/015527/30.

File name: Invitation to tender
Invitation to Tender DD6753/LM

Name of company/JV: ____________________________

Country of registration: ____________________________

Name of contact person: ____________________________

Contact details of contact person:

Tel (landline) ____________________________

Cell phone ____________________________

e-mail address ____________________________
ANNEXURE B

TENDERER’S PARTICULARS

The tenderer must furnish the following particulars where applicable:

<table>
<thead>
<tr>
<th>Type of Tendering Structure</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individual Tenderer</td>
<td></td>
</tr>
<tr>
<td>Unincorporated Joint Venture (registration number for each member of the JV)</td>
<td></td>
</tr>
<tr>
<td>Incorporated JV</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
</tr>
</tbody>
</table>

Please complete the following:

<table>
<thead>
<tr>
<th>Information Required</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of lead partner/member in case of JV</td>
<td></td>
</tr>
<tr>
<td>CIPC Registration Number (for each individual company/JV member)</td>
<td></td>
</tr>
<tr>
<td>VAT registration number (for each individual company/JV member)</td>
<td></td>
</tr>
<tr>
<td>CIDB registration number (for each individual company/JV member if applicable)</td>
<td></td>
</tr>
<tr>
<td>Shareholding information (for each individual company/JV member) clearly identifying percentages owned by individual shareholders (full names &amp; ID Numbers) and other entity shareholders (provide full legal/trading name and respective identifying registration/trust numbers)</td>
<td>Include as separate tender returnable if required.</td>
</tr>
<tr>
<td>Contact person</td>
<td></td>
</tr>
<tr>
<td>Telephone number</td>
<td></td>
</tr>
<tr>
<td>E-mail address</td>
<td></td>
</tr>
<tr>
<td>Postal address (also of each member in the case of a JV)</td>
<td></td>
</tr>
<tr>
<td>Physical address (also of each member of the JV)</td>
<td></td>
</tr>
</tbody>
</table>
If subcontractors are to be used, indicate the following for the main sub-contractor(s). Add to the list of applicable.

<table>
<thead>
<tr>
<th>Name of contractor</th>
</tr>
</thead>
<tbody>
<tr>
<td>CIPC Registration number</td>
</tr>
<tr>
<td>VAT registration number</td>
</tr>
<tr>
<td>CIDB Registration number (if applicable)</td>
</tr>
<tr>
<td>Shareholding organogram /breakdown (for each individual company/JV member) clearly identifying percentages owned by individual shareholders (full names &amp; ID Numbers) and other entities (provide full legal/trading name and respective identifying registration/trust numbers)</td>
</tr>
<tr>
<td>Proposed Scope of work to be done by sub-contractor</td>
</tr>
<tr>
<td>Contact person</td>
</tr>
<tr>
<td>Telephone number</td>
</tr>
<tr>
<td>Fax number</td>
</tr>
<tr>
<td>E-mail address</td>
</tr>
<tr>
<td>Postal address</td>
</tr>
</tbody>
</table>

Physical address
1. If you are currently registered as a vendor with Eskom, please provide your Vendor registration number with Eskom.

2. If you are currently registered as a vendor on the Treasury Central Supplier Database(CSD) please provide your supplier registration number with Treasury.

3. Please note that it is mandatory for you to register on National Treasury’s CSD, if you intend doing work with any State department or State owned entity/company.

4. You may register online at National Treasury website on www.treasury.gov.za

5. Alternatively, you may contact [*][insert the name and contact details of the relevant person from Eskom’s Vendor Management department, who can assist you further with the registration on CSD].

6. If you are registered on SARS Efiling system, please provide your pin number in order to verify your tax compliant status.

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

   YES ___ NO ___

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

   - 8.1 Confirm if you intend sub-contracting
     YES ___ NO ___

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

   - 8.3 To whom do you intend sub-contracting? __________________________________

   - 8.4 Is the said sub-contractor registered on CSD?
     YES ___ NO ___

   - 8.5 If yes to 8.4, please provide CSD number: ___________________________

   - 8.4 Please confirm B-BBEE level of said sub-contractor: ____________________

Confidential

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorised version on the system.

No part of this document may be reproduced without the expressed consent of the copyright holder, Eskom Holdings SOC Ltd, Reg No 2002/015527/30.
8.5 Which designated group does the sub-contractor belong to:
   a. Black people
   b. Black people who are youth
   c. Black people who are women
   d. Black people with disabilities
   e. Black people living in rural or underdeveloped areas or townships
   f. Cooperatives which are 51% owned by Black people
   g. Black people who are military veterans

If Eskom decides to apply the sub-contracting provision as specified in Regulation 4(c) all tenders above the prescribed maximum threshold for quotations must be advertised through an open competitive bidding process subject to potential tenderers meeting the 30% minimum subcontracting requirement to EMEs or QSEs that are 51% owned by the following enterprises:

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

   YES   NO

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

   YES   NO

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

Signature: __________________

Designation: __________________

Date: __________________

Confidential

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorised version on the system.

No part of this document may be reproduced without the expressed consent of the copyright holder, Eskom Holdings SOC Ltd, Reg No 2002/015527/30.
B. Joint Ventures

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

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

<table>
<thead>
<tr>
<th>Legal Name of Joint Venture Member</th>
<th>Full Name and Capacity of Authorised Signatory</th>
<th>Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Confidential

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorised version on the system.

No part of this document may be reproduced without the expressed consent of the copyright holder, Eskom Holdings SOC Ltd, Reg No 2002/015527/30.
ANNEXURE C

INTEGRITY DECLARATION FORM

1. DECLARATION OF INTEREST

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

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

- a juristic person is "related" to another juristic person if :-
  - (1) either of them directly/indirectly controls the other, or the business of the other, as determined in accordance with the definition of "control"(as per Companies Act section 2(1));
  - (2) either is a subsidiary of the other; or
  - (3) a person directly/indirectly controls each of them, or the business of each of them, as determined in accordance with the definition of "control"

- the tenderer/s and one or more of the tenderers in this tendering/RFP process have a controlling partner in common, or a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another tenderer, or influence the decisions of Eskom regarding this bidding process;

Confidential

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorised version on the system.

No part of this document may be reproduced without the expressed consent of the copyright holder, Eskom Holdings SOC Ltd, Reg No 2002/015527/30.
To give effect to the provisions above, please complete the table hereunder with all required information.

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

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

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

2. DECLARATION OF FAIR TENDERING PRACTICES

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

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

- abused the institution’s procurement process (e.g. bid rigging/collusion)
- committed fraud or any other improper conduct in relation to such system.
Please complete the declaration with an 'X' under YES or NO

<table>
<thead>
<tr>
<th>Item</th>
<th>Question</th>
<th>Yes/No</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1</td>
<td>Is the tenderer/s (or any of its directors/members/shareholders) listed on National Treasury’s Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector, or 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 Database of Restricted Suppliers and 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>).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.2</td>
<td>Was the tenderer/s (or any of its directors/members/shareholders) convicted by a court of law (including a court outside South Africa) for fraud and/or corruption with respect to the procurement/tendering processes/procedures during the past five years?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.2.1</td>
<td>Provide details.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.3</td>
<td>Was the tenderer/s (or any of its directors/members/shareholders) prohibited from doing business with any International Financial Development/funding Agency or Lending Institution</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

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

Signature: ____________________________

Designation and capacity in which signing: ____________________________

Date: ____________________________
Joint Ventures

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

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

<table>
<thead>
<tr>
<th>Signature:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Designation and capacity in which signing:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Date:</th>
</tr>
</thead>
</table>

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

We confirm that the following communications received from the Employer before the submission of this tender, amending the tender documents, have been taken into account in the tender:

<table>
<thead>
<tr>
<th>Item</th>
<th>Date Received</th>
<th>Title or Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(Attach additional pages if more space is required)

Name and Designation

Signature

Confidential

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorised version on the system.

No part of this document may be reproduced without the expressed consent of the copyright holder, Eskom Holdings SOC Ltd, Reg No 2002/015527/30.
ANNEXURE I

SBD 1

PART A
INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/PUBLIC ENTITY)

BID NUMBER: CLOSING DATE: CLOSING TIME:

DESCRIPTION

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

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

SUPPLIER INFORMATION

NAME OF BIDDER
POSTAL ADDRESS
STREET ADDRESS
TELEPHONE NUMBER CODE NUMBER
CELLPHONE NUMBER
FACSIMILE NUMBER CODE NUMBER
E-MAIL ADDRESS
VAT REGISTRATION NUMBER

TCS PIN: OR CSD No:

B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE
[TICK APPLICABLE BOX]

IF YES, WHO WAS THE CERTIFICATE ISSUED BY?

☐ Yes B-BBEE STATUS LEVEL SWORN AFFIDAVIT ☐ Yes
☐ No ☐ No

AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)
☐

A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)
☐

A REGISTERED AUDITOR
☐

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

Confidential

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorised version on the system.

No part of this document may be reproduced without the expressed consent of the copyright holder, Eskom Holdings SOC Ltd, Reg No 2002/015527/30.
<table>
<thead>
<tr>
<th>Invitation to Tender</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Template Identifier</td>
<td>240-114238630</td>
</tr>
<tr>
<td>Document Identifier</td>
<td>N/A</td>
</tr>
<tr>
<td>Effective Date</td>
<td>01 July 2018</td>
</tr>
<tr>
<td>Review Date</td>
<td>July 2021</td>
</tr>
</tbody>
</table>

**ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?**

- [ ] Yes
- [ ] No

(if yes enclose proof)

**ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?**

- [ ] Yes
- [ ] No

(if yes answer part B:3 below)

**SIGNATURE OF BIDDER**

[Signature]

**DATE**

**CAPACITY UNDER WHICH THIS BID IS SIGNED** (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)

**TOTAL NUMBER OF ITEMS OFFERED**

**TOTAL BID PRICE (ALL INCLUSIVE)**

**BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:**

- **DEPARTMENT/ PUBLIC ENTITY**
- **CONTACT PERSON**
- **TELEPHONE NUMBER**
- **FACSIMILE NUMBER**
- **E-MAIL ADDRESS**

**TECHNICAL INFORMATION MAY BE DIRECTED TO:**

- **CONTACT PERSON**
- **TELEPHONE NUMBER**
- **FACSIMILE NUMBER**
- **E-MAIL ADDRESS**

---

**Confidential**

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorised version on the system.

No part of this document may be reproduced without the expressed consent of the copyright holder, Eskom Holdings SOC Ltd, Reg No 2002/015527/30.
PART B
TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:
   1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
   1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED—NOT TO BE RE-TYPED) OR ONLINE
   1.3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/DIRECTORSHIP/MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
   1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/DIRECTORSHIP/MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
   1.5. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.

2. TAX COMPLIANCE REQUIREMENTS
   2.1. BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
   2.2. BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.
   2.3. APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
   2.4. BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.
   2.5. IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.
   2.6. WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSO NUMBER MUST BE PROVIDED.

3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS
   3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?
   3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?
   3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?
   3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?

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

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

Confidential

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorised version on the system.

No part of this document may be reproduced without the expressed consent of the copyright holder, Eskom Holdings SOC Ltd, Reg No 2002/015527/30.
Annexure J

SBD 6.1

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution.


1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- 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

a) The value of this bid is estimated to exceed/not exceed R50 000 000 (all applicable taxes included) and therefore the .............. preference point system shall be applicable; or

b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (delete whichever is not applicable for this tender).

1.3 Points for this bid shall be awarded for:

(a) Price; and

(b) B-BBEE Status Level of Contributor.

1.4 The maximum points for this bid are allocated as follows:

<table>
<thead>
<tr>
<th></th>
<th>POINTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRICE</td>
<td>80</td>
</tr>
<tr>
<td>B-BBEE STATUS LEVEL OF CONTRIBUTOR</td>
<td>20</td>
</tr>
<tr>
<td>Total points for Price and B-BBEE must not exceed</td>
<td>100</td>
</tr>
</tbody>
</table>
1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.6 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

(a) “B-BBEE” means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;

(b) “B-BBEE status level of contributor” means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

(c) “bid” means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;

(d) “Broad-Based Black Economic Empowerment Act” means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);

(e) “EME” means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;

(f) “functionality” means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.

(g) “prices” includes all applicable taxes less all unconditional discounts;

(h) “proof of B-BBEE status level of contributor” means:

1) B-BBEE Status level certificate issued by an authorized body or person;

2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;

3) Any other requirement prescribed in terms of the B-BBEE Act;

(i) “QSE” means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;

(j) “rand value” means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
3. POINTS AWARDED FOR PRICE

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

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

80/20

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

Where

\[ \begin{align*}
P_s & = \text{Points scored for price of bid under consideration} \\
P_t & = \text{Price of bid under consideration} \\
P_{\text{min}} & = \text{Price of lowest acceptable bid}
\end{align*} \]

4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

<table>
<thead>
<tr>
<th>B-BBEE Status Level of Contributor</th>
<th>Number of points (80/20 system)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>20</td>
</tr>
<tr>
<td>2</td>
<td>18</td>
</tr>
<tr>
<td>3</td>
<td>14</td>
</tr>
<tr>
<td>4</td>
<td>12</td>
</tr>
<tr>
<td>5</td>
<td>8</td>
</tr>
<tr>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>7</td>
<td>4</td>
</tr>
<tr>
<td>8</td>
<td>2</td>
</tr>
<tr>
<td>Non-compliant contributor</td>
<td>0</td>
</tr>
</tbody>
</table>

Confidential

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorized version on the system.

No part of this document may be reproduced without the expressed consent of the copyright holder, Eskom Holdings SOC Ltd, Reg No 2002/015527/30.
5. BID DECLARATION

5.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

6.1 B-BBEE Status Level of Contributor: = (maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. SUB-CONTRACTING

7.1 Will any portion of the contract be sub-contracted?

(Tick applicable box)

[YES] [NO]

7.1.1 If yes, indicate:

i) What percentage of the contract will be subcontracted

[ ]

ii) The name of the sub-contractor

iii) The B-BBEE status level of the sub-contractor

iv) Whether the sub-contractor is an EME or QSE

(Tick applicable box)

[YES] [NO]

v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations, 2017:

<table>
<thead>
<tr>
<th>Designated Group: An EME or QSE which is at least 51% owned by:</th>
<th>EME</th>
<th>QSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black people</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Black people who are youth</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black people who are women</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black people with disabilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black people living in rural or underdeveloped areas or townships</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Cooperative owned by black people

Black people who are military veterans

OR

Any EME

Any QSE

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of company/firm:

8.2 VAT registration number:

8.3 Company registration number:

8.4 TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One person business/sole propriety
- Close corporation
- Company
- (Pty) Limited

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

... ...

8.6 COMPANY CLASSIFICATION

- Manufacturer
- Supplier
- Professional service provider
- Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

Confidential

When downloaded from the document management system, this document is uncontrolled and the responsibility rests with the user to ensure it is in line with the authorised version on the system.

No part of this document may be reproduced without the expressed consent of the copyright holder, Eskom Holdings SOC Ltd, Reg No 2002/015527/30.
8.7 Total number of years the company/firm has been in business: 

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBEE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/firm for the preference(s) shown and I / we 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;
iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –

(a) disqualify the person from the bidding 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 bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury 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.

WITNESSES

1. ........................................

2. ........................................

SIGNATURE(S) OF BIDDERS(S)

DATE: ....................................

ADDRESS ..................................