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|  | Invitation to Tender/ Request for Quotation (RFQ) | Unique Identifier | 240-114238630 |
| | | Revision | Rev 2 |
| | | Revision Date | July 2020 |
| | | Group Technology and Commercial | |
| | | Enquiry no | CORP4375GP, CORP4376MP, CORP4377LP, CORP4378NW, CORP4379FS, CORP4380NC, CORP4381EC, CORP4382WC, CORP4383KZN |

ESKOM HOLDINGS SOC LTD

INVITATION TO TENDER/REQUEST FOR QUOTATION (RFQ)


FOR

MANUFACTURE, SUPPLY, DELIVERY AND REPAIRS OF OFFICE CHAIRS ON AN "AS AND WHEN REQUIRED" BASIS TO ESKOM HOLDINGS SOC LIMITED AND ITS SUBSIDIARIES NATIONWIDE ON A PROVINCIAL BASIS FOR A PERIOD OF FIVE (5) YEARS

| | |
|---------------------------------|---|
| Tender number/RFQ number | CORP4375GP, CORP4376MP, CORP4377LP, CORP4378NW, CORP4379FS, CORP4380NC, CORP4381EC, CORP4382WC, CORP4383KZN |
| Issue date | 21 May 2018 |
| Closing date and time | 21 June 2018 at 10h00 South African Standard Time (SAST) |
| Tender validity period | 52 (fifty two) weeks from the tender closing date |

Clarification meeting will be held as follows:

| Date | Province | Site | Address | Name of boardroom |
|-------------|-----------------|---------------|--|---|
| 28-May-18 | Western Cape | Bellville | 60 Voortrekker Road, Bellville | ERE Boardroom Ground Floor |
| 29-May-18 | Northern Cape | Kimberley | 69 Memorial Road, Kimberley | Karoo Boardroom, First Floor |
| 30-May-18 | Free State | Bloemfontein | 120 Henry Street, Bloemfontein | Conf Room BFN EC Beta |
| 31-May-18 | Eastern Cape | Sunilaws | Cnr Bonza Bay & Quelera Drive East London | East London SOC Auditorium Boardroom |
| 01-Jun-18 | KZN | Mkhondeni | 1 Portland Road, Mkhondeni, Pietermaritzburg | Blue Crane Building - Drakensburg Boardroom |
| 04-Jun-18 | Limpopo | Polokwane | Edu park Webster street, Polokwane; 66 Hans Van Rensburg | Conf Room Sebenza Boardroom |
| 05-Jun-18 | MP | Witbank | Cnr Watermeyer and Jellicoe street, Witbank | Witbank Eskom Park Lapa |
| 07-Jun-18 | North West | Klerksdorp | 22 Golden Avenue, Townland, Klerksdorp | Main Boardroom – Klerksdorp Area Office |
| 08-Jun-18 | Gauteng | Megawatt Park | 1 Maxwell Drive; Sunning Hill | Saturn Boardroom |


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Tenders are to be delivered to the following address on the stipulated closing date and time:

The place for delivery of the Tender is situated at the following delivery address:

Tenders are to be delivered to the following address on the stipulated closing date and time:

| | |
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| <u>Gauteng Province only</u> Eskom Megawatt Park Tender Office Eskom Holdings SOC Limited Northside Maxwell Drive Sunninghill | <u>North West Province only</u> North West Confidential Document Control Menlyn 5; Level -1 (Opposite to Reception), 01 Gobie Street, Newlands Extension, Pretoria |
| <u>Limpopo Province only</u> Tender Office Risk and Governance Millennium Building, 90 Hans Van Rensburg Street Polokwane, 0699 | <u>Western Cape Province only</u> Tender Centre Risk & Governance, Block-E Eskom Engineering Complex Eskom Road, Brackenfell Cape Town, 7560 |
| <u>Kwazulu Natal Province only</u> Tender Office Commercial Building 25 Valley view Road , New Germany KZN | <u>Eastern Cape Province only</u> Tender Office Sunilawa Office Park Corner Bonza Bay Road & Quenera Street Beacon Bay |
| <u>Free State and Northern Cape Provinces only</u> Tender Office Eskom Building 120 Henry Street Bloemfontein 930 | <u>Mpumalanga Province only</u> Tender Box Eskom Tender Centre 10 Smuts Avenue, Witbank / Emalaheni |

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Date: 22 May 2018

Ref: CORP4375 – CORP4383

Enquiries: Mamo Tjale

☎: 011 800 2776

Invitation to Tender/Request for Quotation

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a *tender* for the manufacture, supply, delivery, and repairs of Office Chairs on an “as and when required” basis to Eskom SOC Limited and its subsidiaries nationwide for a period of five (5) years.


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 quotation by you in response to this *RFQ* 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 tender documents may be addressed to the Eskom *Representative*

Yours faithfully




Caroline Basiamisi

Middle Manager: Procurement

P&SCM

Date: _____

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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 tenderers 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 PPPFA Pre-Qualification Criteria
- 2.4 Local Content and Production (applicable where designated materials are included)
- 2.5 Functionality
- 2.6 Price and Preference Scoring
- 2.7 Objective Criteria

3. Conditions of Contract


Contract conditions will be based on the NEC 3 Supply Contract

4. Scope of Work/ Works Information / Employers Requirements (included in this Invitation to Tender)

5. Pricing Data (Refer to Appendix A for Price List)

NOTE: The pricing schedule may not be changed or altered. Tenderer(s) to populate the name of tenderer, prices in South African Rand (ZAR) in the Price List in the column(s) for Unit Price excluding VAT and Unit Price including VAT.


Tenderers will be required to tender fully for all line items. Failure to tender for all line items, tenderers will be disqualified and they will not be evaluated further.

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6. Annexures

| Number | Description | Annexure | Attached (Y/N) | Page no. |
|--------|--|-------------|----------------|----------|
| 6.1 | *Acknowledgement form | Annexure A | Y | Page 27 |
| 6.2 | *Tenderer's particulars | Annexure B | Y | Page 29 |
| 6.3 | * Integrity Declaration Form (refer to www.eskom.co.za for the Tenderer Integrity Pact that tenderers are required to download and read) | Annexure C | Y | Page 34 |
| 6.4 | CPA Requirements for Local (South African) | Annexure D | Y | Page 38 |
| 6.5 | SBD 6.2 - Declaration Certificate for Local Production and Local Content | Annexure F1 | Y | Page 41 |
| | Annexure C - Local Content Declaration - Summary Schedule | Annexure F2 | Y | Page 45 |
| | Annexure D - Imported Content Declaration – Supporting Schedule to Annexure C | Annexure F3 | Y | Page 45 |
| | Annexure E - Local Content Declaration - Supporting Schedule to Annexure C | Annexure F4 | Y | Page 45 |
| 6.6 | *Addenda acknowledgement form | Annexure H | Y | Page 46 |
| 6.7 | SBD 1 -Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline | Annexure I | Y | Page 47 |
| 6.8 | SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations | Annexure J | Y | Page 50 |


- 1.2 The Tender Data makes several references to the **Eskom Standard Conditions of Tender** (refer to www.eskom.co.za for this document that tenderers are required to download and read). The clauses that apply specifically to this Invitation/RFP 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.

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| Clause Number from Standard Conditions of Tender | Tender Data |
|---|---|
| 1.1 Parties | <p>The <i>Employer</i> is Eskom Holdings SOC Limited</p> <p>The <i>Eskom Representative</i> is: Name: Mamo Tjale Tel: 011 800 4250 E-mail: <u>TjaleM@eskom.co.za</u></p> |
| 1.2 Eligible tenders | <p>Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture (JV) complies with the <i>eligibility criteria</i> stated in the Tender Data and the tenderer, or any of his principals, is not under any restriction to do business with Eskom/State Owned Companies.</p> <p>Tenderers are deemed ineligible to submit a Tender if</p> <ul style="list-style-type: none"> • 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 tenderers for any part of the Contract including related services • Tenderers submit more than one Tender either individually or as a partner in a 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 |

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| | <p>liable for the execution of the Contract in accordance with the Contract terms</p> <ul style="list-style-type: none"> • A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. A Tenderer may be considered to have a conflict of interest with one or more parties in this Tender process, if : <ul style="list-style-type: none"> ○ (a)they have a controlling partner/majority shareholder in common; or ○ (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. • A tender that fails to meet any pre-qualifying criteria stipulated in the tender documents is an unacceptable tender (section 4 (2) of 2017 PPPFA Regulations. • Any tenderer that is restricted by National Treasury. • A tenderer that sub-contracts 85% Scope of Work. <p>Ineligible tenderers will be disqualified.</p> |
| 1.3 Enquiry documents | The Invitation to Tender number is: CORP4375GP, CORP4376MP, CORP4377LP, CORP4378NW, CORP4379FS, CORP4380NC, CORP4381EC, CORP4382WC, CORP4383KZN |
| 1.4 Type of Invitation to Tender | This Invitation to Tender is: 1. An open Invitation to Tender |
| 1.5 Eskom's right to accept the whole or parts of the tender | The tender is for the entire scope of work; however Eskom reserves the right to allocate the work in whole or part. |

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| 2.2 -2.5 Tender Closing | The deadline for Tender submission is : Closing Date: 21 June 2018 Time: 10h00 Late Tenders will not be accepted |
| The Tender Box is open daily for depositing tenders. | |

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| Tenders are to be submitted to the Eskom tender box at the following physical address | |
| <u>Gauteng Province Only</u> Eskom Megawatt Park Tender Office Eskom Holdings SOC Limited Northside Maxwell Drive Sunninghill | <u>North West Province only</u> North West Confidential Document Control Menlyn 5; Level -1 (Opposite to Reception), 01 Gobie Street, Newlands Extension, Pretoria |
| <u>Limpopo Province only</u> Tender Office Risk and Governance Millennium Building, 90 Hans Van Rensburg Street Polokwane, 0699 | <u>Western Cape Province only</u> Tender Centre Risk & Governance, Block-E Eskom Engineering Complex Eskom Road, Brackenfell Cape Town, 7560 |
| <u>Kwazulu Natal Province only</u> Tender Office Commercial Building 25 Valley view Road , New Germany KZN | <u>Eastern Cape Province only</u> Tender Office Sunilawa Office Park Corner Bonza Bay Road & Quenera Street Beacon Bay |
| <u>Free State and Northern Cape Provinces only</u> Tender Office Eskom Building 120 Henry Street Bloemfontein 930 | <u>Mpumalanga Province only</u> Tender Box Eskom Tender Centre 10 Smuts Avenue, Witbank / Emalahleni |

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| 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 tender submission deadline. 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 the tender submission deadline; then the tenders will be disqualified. |
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2.9 Copy of Original Tender

The tender shall be submitted as an original tender including Prices, plus **1 complete** hard copy of the original tender at tender submission deadline. **Failure to submit a hard copy of the original tender will result in disqualification.**

Additionally, a soft copy (**memory stick**) containing the prices in excel format should be submitted (See Pricing Schedule). The soft copy is not a substitute for the hard copy which must still be provided.

The original and complete hard copy of the tender must be clearly divided into the following sections:

- Commercial (As per Commercial Tender Returnable)
- SD&L (As per SD&L Tender Returnable)
- Local Content (As per Local Content Tender Returnable)
- Finance (As per Finance Tender Returnable)
- Technical (As per Technical Tender Returnable)
- SHE (As per SHE Tender Returnable)
- Quality (As per Quality Tender Returnable)

Tenderers are strictly advised to submit the tender in the above order.

2.13 Tender Validity Period

The tender validity period is 52 (fifty two) weeks.

2.16 Site/Clarification Meetings

A non-compulsory clarification meeting will take place as follows:

| | | | | |
|-----------|---------------|--------------|--|---|
| 28-May-18 | Western Cape | Bellville | 60 Voortrekker Road, Bellville | ERE Boardroom Ground Floor |
| 29-May-18 | Northern Cape | Kimberley | 69 Memorial Road, Kimberley | Karoo Boardroom, First Floor |
| 30-May-18 | Free State | Bloemfontein | 120 Henry Street, Bloemfontein | Conf Room BFN EC Beta |
| 31-May-18 | Eastern Cape | Sunilaws | Cnr Bonza Bay & Quelera Drive East London | East London SOC Auditorium Boardroom |
| 01-Jun-18 | KZN | Mkhondeni | 1 Portland Road, Mkhondeni, Pietermaritzburg | Blue Crane Building - Drakensburg Boardroom |
| 04-Jun-18 | Limpopo | Polokwane | Edu park Webster street, Polokwane; 66 Hans Van Rensburg | Conf Room Sebenza Boardroom |
| 05-Jun-18 | MP | Witbank | Cnr Watermeyer and Jellicoe street, Witbank | Witbank Eskom Park Lapa |




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| 07-Jun-18 | North West | Klerksdorp | 22 Golden Avenue, Townland, Klerksdorp | Main Boardroom – Klerksdorp Area Office |
| 08-Jun-18 | Gauteng | Megawatt Park | 1 Maxwell Drive; Sunning Hill | Saturn Boardroom |

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

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| 2.17 Clarification on Enquiry Documents | <p>The tenderer will notify the <i>Employer</i> of any clarifications required via e-mail to TjaleM@eskom.co.za before the closing time for clarification of queries, which is 4 (four) working days before the deadline for tender submission on 15 June 2018 at 16h00.</p> <p>NB: No questions/clarifications during tendering period will be answered telephonically. Questions must be submitted in writing via email to:- Name: Mamo Tjale E-mail: TjaleM@eskom.co.za</p> <p>If there are any questions/clarifications before the tender closing date, responses will be posted on tender bulletin and it is the responsibility of the tenderer to check any posted communication related to this Invitation to Tender on a daily basis.</p> |
| 2.25 Conditions of Contract | The Contract conditions will be based on NEC 3 Supply Contract. |
| 2.23 Alternative Tenders | Alternative tenders are not allowed. |
| 3.4 Opening of Tenders | Tenders will be opened at the same date on 21 June 2018 as the tender deadline. |
| 3.5 Prices to be Read Out | Prices will not be read out. |
| 3.9 Basic Compliance | <p>Basic compliance for this invitation to tender are:</p> <p>The returnable documents are needed for evaluation purposes as indicated on item 1.3 (Tender Returnables) of this Invitation to Tender.</p> <p>Failure to submit the list of tender returnables which are mandatory for evaluation will render the submission as “non-responsive” and will be disqualified at Stage One of the evaluation process (Basic Compliance).</p> <p>In accordance to National Treasury - Instruction Note 05, 240-1114331568, Eskom will only award contracts/orders to tenderers</p> |

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| | <p>who are registered with National Treasury's Central Supplier Database (CSD). Tenderers must clearly indicate their CSD number with National Treasury and / or submit CSD report. A tenderer who fails to submit the CSD number will not be evaluated further and will be disqualified.</p> |
| 3.10 Mandatory Tender Returnables | Refer to 1.3 below (Tender Returnables) |
| 3.11 Pre-Qualification Criteria | <p>Pre-Qualification Criteria</p> <p>The tender is strictly targeting EME/QSE manufacturers that are either level 1 or 2 compliant, in order to advance designated groups as per PPPFA regulation 4 and choice to select more which is a&b;</p> <p>a) Manufactures with level 1 and 2 B-BBEE contributions, b) A Manufacturers should EME/QSE from designated groups.</p> <p>The tenderers will be required to submit their valid B-BBEE certificates that are SANAS accredited or Sworn Affidavits indicating QSE/EME with level 1 or 2 compliance, failure to submit a valid B-BBEE certificate or Sworn Affidavit or submit B-BBEE certificate that has expired, will result in the tenderer being disqualified. Please refer to the Sworn Affidavit template attached on SD&L folder.</p> <p>The tenderers who will be Joint Venturing (JV) will be required to submit a Joint Venture Agreement and a valid joint B-BBEE certificate that reflect EME/QSE with level 1 or 2 compliance, failure which, the JV will be disqualified.</p> |
| 3.12 Designated Materials and Thresholds | <p>The Office Chairs sector has been selected as a designated sector and has been assigned an 85% minimum threshold for local content.</p> <p>Tenderers need to complete and submit Annexures F1-F4 hereto as evidence of compliance with this requirement at the tender closing date.</p> <p>If the raw material to be used for a specific item is not available locally, tenderers should obtain written exemption letter from the Department of Trade and Industry (DTI) should there be a need to import such raw material. A copy of the exemption letter must be submitted together with the tender documents at the tender closing date. For further information, tenderers may contact the Office Furniture Unit within the DTI as follows: Cathrine Matidza</p> |

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| | <p>CMatidza@thedti.gov.za</p> <p>Tenders that do not meet 85% threshold and/or do not provide authorisation letter will be eliminated.</p> <p>The implication of the local production and content drive is, should your transaction include products of a specific designation as listed by the DTI, the following needs to be done:</p> <p>The DTI has appointed SABS as the official verification agency for local content in terms of designated products. To this end tenderers have to cater for a minimum 1,8% of the tendered value in the price schedule for verification services by SABS: The tenderer is responsible for paying this verification amount to SABS. This verification cost refers to the actual designated product only and not to the total supply or project or contract.</p> |
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| 3.13 Functional Requirements | <ul style="list-style-type: none"> • Eskom Holdings SOC Ltd may decide to award whole of a contract. • Eskom Holdings SOC Limited prefers to award the contract to a tenderer who proves to be fully capable of handling the scope of work, and whose tender is either the lowest acceptable tender or economically the most advantageous to Eskom Holdings SOC Limited, in terms of the evaluation criteria stipulated in the enquiry and tender documentation. • Eskom reserves the right to award a tender to a tenderer who may not be the highest scoring or highest ranked tenderer, for the purpose of maximising recognition of black ownership, black management control, skills development and/or preferential procurement in line with Section (2)(1)(f) of the PPPFA. <p>A weighted score-card approach will be used to evaluate the technical compliance of the tenders.</p> |
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Technical evaluation will be done in 2 (two) phases as follows:

First Phase – Desktop Evaluation:

Tenderers will be required to complete and return the Annexure A document confirming the category of office Chairs they can supply.

Tenderers will be required to tender in all items. Failure to tender all items, tenderers will be disqualified and they will not be evaluated in the second phase.

| No | Factor | Weight |
|----|--|--------|
| 1 | Number of years operating as an office chairs manufacturer (servicing government/ corporate customers) <ul style="list-style-type: none"> Company profile to be provided confirming years in operation Number of years in operation will only be considered if verified by confirmed by contactable reference | 20% |
| 2 | Company's capability (servicing government/ corporate customers) <ul style="list-style-type: none"> Ability to deliver as per Eskom specification within the required lead time. Value and timeframes of previous contracts to be provided Ability will be evaluated based on feedback or reports from previous customers. | 30% |
| 3 | Relevant accreditation (e.g. SABS, ISO) <ul style="list-style-type: none"> Proposal should include proof of certification/ accreditation | 10% |
| 4 | Warranty on office chairs manufacture <ul style="list-style-type: none"> Proposal should confirm availability of warranty on office furniture and chairs supplied | 10% |
| 5 | Facilities and Equipment <ul style="list-style-type: none"> Manufacturer should confirm availability of equipped facilities Tenderer to provide proof of ownership of premises and equipment. If leased, proof thereof to be provided. | 15% |



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| 5 | Transportation <ul style="list-style-type: none"> Proposal should confirm availability of necessary transportation for delivery (Transportation could be on hire, with proof). | 15% |
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Second Phase – Manufacture and Sample Evaluation:
 This phase will be conducted at the manufacture premises and will be evaluated as follows:

Site-visits will be conducted for the manufacturer who complied with desktop evaluation to confirm the information submitted during Desktop evaluation. Manufacturers will be required to provide the list of items as per Eskom specification. Only shortlisted manufacturers will be contacted.

| Technical Criteria | Weightings |
|--|------------|
| Technical | 100 |
| Total | 100 |
| Minimum Threshold for Qualification | 75% |

Tenderers who fail to achieve minimum threshold of 75% for Functionality will not be evaluated further.


3.15 Evaluation of Price

Prices will be evaluated as follows:

- Inclusive of VAT and Delivery nationwide
- Making the specified correction for arithmetical errors.
- Excluding contingencies in any bill of quantities or activity schedule.
- 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 90 points

3.17 Evaluation of B-BBEE

- B-BBEE status will be scored out of 10 points in accordance

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| | |
|--|---|
| | <p>with PPPFA. If a tenderer fails to submit proof of B-BBEE status level the tender will be disqualified as B-BBEE level is a pre-qualification criterion, but tenderer:</p> <ul style="list-style-type: none"> • May only score points out of 90 for price ; and • Scores points out of 10 for B-BBEE |
|--|---|

| | |
|--------------------------------|--|
| 3.18 Ranking of Tenders | <p>Suppliers will be ranked by applying the preferential point scoring based on the:</p> <ul style="list-style-type: none"> • 90/10 (for estimated values above R50M inclusive of VAT) or • 80/20 (for estimated values above R30 000 and up to R50M inclusive of VAT) or • state that either 80/20 or 90/10 will apply should there be a degree of uncertainty on which PPPFA Point allocation system will apply; the lowest acceptable tender will be used to determine the applicable applicable preference system. • Eskom will then add the score from Pricing and the B-BBEE level together and rank the suppliers from the highest to the lowest. |
|--------------------------------|--|

| | |
|--------------------------------|--|
| 3.19 Objective Criteria | <p>Objective criteria will be linked to contract award.</p> <p>The following will form part of the objective criteria:</p> <ul style="list-style-type: none"> • SD&L Targets • Safety, Health and Environment (SHE) • Quality Management Systems • Financial Analysis • Commercial – Contract terms and conditions <p>3.19.1 <u>SAFETY, HEALTH AND ENVIRONMENT (SHE)</u></p> <p>The following are the SHE requirements:</p> <ul style="list-style-type: none"> • Annexure B: The acknowledgement form for Eskom's rules and requirements to be signed and submitted by the tenderer • Health and Safety Plan • Baseline SHE Risk Assessment • Valid Letter of Good Standing (COIDA) and • SHE Policy Signed by CEO/MD |
|--------------------------------|--|



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Note: The above SHE requirements are pre-requisites for contract award (if the above is not submitted within stipulated time, the contract will not be awarded).

3.19.2 QUALITY

The following are the Quality requirements:

- Section A: Quality Management System (QMS) Requirements ISO 9001:2008
 - a) QMS method statement based on scope of work
 - b) Copy of quality policy signed by top management
- Section B: Evidence of QMS in Operation (Tender Quality Requirements – Ref QM-58 or 240-51544462)
 - a) Copy of appointment letter & CV/ resume of a Quality Representative for the project
 - b) Signed Organisational structure & Quality department reporting structure.
 - c) Copy of procedure for control of suppliers & subcontractors
 - d) Copy of Customer satisfaction surveys
 - e) Historical Information (list) of similar work performed < 2yrs
- Section C: User defined additional requirements and miscellaneous (Ref QM-58)
 - a) Form A is completed and signed

Note: The above Quality requirements are pre-requisites for contract award (if the above is not submitted within the stipulated time, the contract will not be awarded).

3.19.3 FINANCIAL ANALYSIS

An analysis of the tenderers' financial statements will be conducted for the purposes of establishing the tenderers financial viability and ability to meet all of its contractual obligations for the duration of the contract, should the tenderer be awarded the contract. There will be no disqualification of suppliers. However financial guarantees will be requested if the tenderer has financial challenges.



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3.19.4 SUPPLIER DEVELOPMENT & LOCALISATION

Pre-qualification criteria will apply as per PPPFA regulations on the designated groups as indicated below:

1. Level 1 and 2 Manufactures
2. EME & QSE's Manufactures
3. Black designation groups for generic as per Eskom's hierarchy of procurement as indicated below
 - an EME or QSE which is at least 51% owned by black people with disabilities;
 - an EME or QSE which is at least 51% owned by black women
 - an EME or QSE which is at least 51% owned by black youth
 - an EME or QSE which is at least 51% owned by black people;
 - an EME or QSE which is at least 51% owned by black people living in rural or underdeveloped areas or townships
 - a cooperative which is at least 51% owned by black people;
 - an EME or QSE which is at least 51% owned by black people who are military veterans.

More than one of the categories referred to in paragraphs (i) to (vii)

In addition to above, companies that are minimum 51% shall submit the following documents in addition to the BBEE certificate:

- Copies of Cipro
- Copies of ID of the shareholders
- Shareholders agreement
- Proof of Medical certificate to prove disability

a) B-BBEE

The tenderers will be evaluated in accordance to PPPFA, where the suppliers will be allocated 10 points as per B-BBEE scorecard below (**valid B-BBEE certificate that are SANAS accredited or SWORN AFFIDAVIT that is fully completed, stamped and signed as a mandatory returnable**).

The tenderers will be required to submit their valid B-BBEE certificates that reflect EME/QSE level 1-2, failure not to submit a valid B-BBEE certificate or submit B-BBEE certificate that has expired, that will result in supplier being disqualified since will not be



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able to evaluate pre-qualification conditions. The supplier that will be Joint Venturing (JV) will be required to submit a valid joint B-BBEE certificate

b) Localisation

Eskom prefers suppliers to purchase locally produced products or services required within the borders of South Africa. Eskom will be buying a finished product (Office Chairs) from local suppliers therefore, local content to South Africa will be 85% since Eskom do not expect any products or skills to be imported for these transaction and the industry is matured enough to possess all the skills required to source & supply these products. It will form part of subcontracting, skills development and supplier development.

c) Industrialisation

Successful supplier will be encouraged to add value in the value chain by firstly owning their downstream logistics process or assist emerging distributor to setup workshops or distribution stores, give them business, train, mentor and coach them.

d) Skills Development

Successful supplier will be obligated to train 1 (one) candidate for every R3 million cumulated through purchase orders awarded to the supplier. This obligation will be for the duration of the contract however supplier needs to demonstrate positive progress on quarterly basis. The duration of the purchase order will not be linked with the supplier's obligation to train. Therefore the supplier will have to ensure that the skills committed are successfully achieved as per work allocated to them. Skills candidates shall be sourced from previously disadvantaged groups in South Africa, particularly at the site where delivery is taking place. The purpose is to provide these candidates with skills and workplace experience in order to increase the opportunity for them to be employable within the industry as well as assist those who are struggling financially during their schooling.

The supplier may develop the candidates directly, through their supply network or through the SETA accredited training providers. Skills development candidates should be currently unemployed graduates from local FET colleges and universities and/or matriculants.



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The composition of the candidates shall be representative of the population demographics of South Africa particularly at the site where delivery is taking place. The supplier will train as per the list below:

List of proposed skills

| Skills Type | Estimated number of candidates to be trained |
|--------------------------------|---|
| SHEQ officers | 9% |
| Learnership (industry related) | 31% |
| Bursary (industry related) | 60% |

NB: The list of proposed skills above to be developed is not limited

The monitoring and report will provide implementation schedule and supplier data collection templates to ensure that the above obligations to train candidates are achieved successfully through regular monitoring of task order value awarded to suppliers.

e) Job Creation


Suppliers will be encouraged to use the candidates that will be trained during the transaction / contract, this will assist Eskom to create permanent jobs in this sector. The supplier shall propose the number of jobs to be created as a direct result of this contract. Suppliers will also propose the number of jobs to be retained as a direct result of this contract. The proposals shall be recorded on the implementation schedule at contract award.

f) Supplier Development

As per PPPFA, Tenderers/service provider are be required to sub-contract minimum of 30% of their contract value (actual spent) for supplier empowerment purposes.

Tenderers are obliged to submit with the tender the following information of their subcontractors:

- Company names of subcontractors
- BBBEE Certificates,

| | | | | | |
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|--|---|
| | <ul style="list-style-type: none"> • Copies of Cipro and ID's of directors. <p>Please note:-</p> <ul style="list-style-type: none"> • “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 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.

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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 51% owned by the following enterprises:

- (i) Black people with disabilities
- (ii) Black people who are women
- (iii) Black people who are youth
- (iv) Black people
- (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

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1.3 TENDER RETURNABLES

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)**

Please note that foreign tenderers (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

Please note that all mandatory tender returnables need to be submitted with the tender document in order to be responsive. Tender returnables required for evaluation are listed hereunder:


| Reference | Returnables from supplier | Mandatory returnable for evaluation | Mandatory returnable for contract award |
|---|---|-------------------------------------|---|
| Basic Compliance | <ul style="list-style-type: none"> Original tender plus 1 complete hard copy and an additional soft copy (USB) containing the prices in excel format should be submitted (See Pricing Schedule). The soft copy is not a substitute for the hardcopy which must still be provided. | ✓ ✓ | |
| | CSD number and / or report | | |
| Pre-Qualification Criteria | A Valid B-BBEE certificate that is SANAS accredited or Sworn Affidavit that is fully completed, stamped and signed indicating QSE/EME with level 1 or 2. Please refer to the attached template of a Sworn Affidavit on SD&L folder. | ✓ | |
| Additional Documents required in event of a JV:- | Letter of intent to form a JV/consortium. | ✓ | |
| | Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios. | ✓ | |




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| | Written confirmation that the JV 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) | ✓ | |
| | * A trust, consortium or JV (including unincorporated consortia and JVs) must submit a consolidated B-BBEE Status Level Verification Certificate for every separate tender. | ✓ | |
| | 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. | ✓ | |
| Annexure A | Acknowledgement Form | | ✓ |
| Annexure B | Tenderers Particulars | ✓ | |
| Annexure C | Integrity Pact Declaration form | ✓ | |
| Annexure D | CPA for local goods/services | | ✓ |
| Annexure F1 | SBD 6.2 - Declaration Certificate for Local Production and Content | ✓ | |
| Annexure F2 | Annexure C – Local Content Declaration – Summary Schedule | ✓ | |
| Annexure F3 | Annexure D – Imported Content Declaration – Supporting Schedule to Annexure C | ✓ | |
| Annexure F4 | Annexure E – Local Content Declaration – Supporting Schedule to Annexure C | ✓ | |
| Annexure H | Confirmation of receipt of addenda to enquiry document | | ✓ |
| Annexure I | SBD 1- to be submitted with the tender at tender submission deadline | ✓ | |
| Annexure J | SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations | ✓ | |
| Tax Clearance Certificate | A valid and certified copy of SARS Tax Clearance Certificate | | ✓ |
| Compliance with Employment Equity Act | To the extent that the tenderer falls within the definition of a “designated Employer” | | ✓ |

| | | | | | |
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|--|--|---|---|
| | 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) | | |
| 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) | ✓ | |
| Pricing Schedule | Appendix K – Price List. | ✓ | |
| | Appendix B – CPA Formulae. | | ✓ |
| NEC Documentation | Completed NEC contract data. | | ✓ |
| DOCUMENTS REQUIRED UNDER OBJECTIVE CRITERIA | | | |
| SHE | Annexure B: The acknowledgement form for Eskom's rules and requirements to be signed and submitted by the tenderer | | ✓ |
| | Health and Safety Plan | | ✓ |
| | Baseline SHE Risk Assessment | | ✓ |
| | Valid Letter of Good Standing (COIDA) and | | ✓ |
| | SHE Policy Signed by CEO/MD | | ✓ |
| Quality | | | |
| Section A | QMS method statement based on scope of work. | | ✓ |
| Section B | Copy of quality policy signed by top management. | | ✓ |

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| | | | |
|---|--|---|---|
| Section C | Copy of appointment letter & CV/ resume of a Quality Representative for the project. | | ✓ |
| | Signed Organisational structure & Quality department reporting structure. | | ✓ |
| | Copy of procedure for control of suppliers & subcontractors. | | ✓ |
| | Copy of Customer satisfaction surveys. | | ✓ |
| | Historical Information (list) of similar work performed < 2yrs | | ✓ |
| Form A is completed and signed | | | |
| Financial Statements | Audited Financial Statements of the <i>tenderer</i> 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 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. | | ✓ |
| DOCUMENTS REQUIRED FOR TECHNICAL UNDER FUNCTIONALITY | | | |
| Annexure A | Number of years operating as an office furniture manufacturer (servicing government/ corporate customers) <ul style="list-style-type: none"> • Company profile to be provided confirming years in operation • Number of years in operation will only be considered if verified by confirmed by contactable reference | ✓ | |



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| | | | |
| | <p>Company's capability (servicing government/ corporate customers)</p> <ul style="list-style-type: none"> • Ability to deliver as per Eskom specification within the required lead time. • Value and timeframes of previous contracts to be provided • Ability will be evaluated based on feedback or reports from previous customers. | ✓ | |
| | <p>Relevant accreditation (e.g. SABS, ISO)</p> <ul style="list-style-type: none"> • Proposal should include proof of certification/ accreditation | ✓ | |
| | <p>Warranty on office furniture manufacture</p> <ul style="list-style-type: none"> • Proposal should confirm availability of warranty on office furniture and chairs supplied | ✓ | |
| | <p>Facilities and Equipment</p> <ul style="list-style-type: none"> • Manufacturer should confirm availability of equipped facilities • Tenderer to provide proof of ownership of premises and equipment. If leased, proof thereof to be provided. | ✓ | |
| | <p>Transportation</p> <ul style="list-style-type: none"> • Proposal should confirm availability of necessary transportation for delivery (Transportation could be on hire, with proof). | ✓ | |
| | <p>Company's capability (servicing government/ corporate customers)</p> <ul style="list-style-type: none"> • Ability to deliver as per Eskom specification within the required lead time. • Value and timeframes of previous contracts to be provided • Ability will be evaluated based on feedback or reports from previous customers. | ✓ | |

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ANNEXURE A

ACKNOWLEDGEMENT FORM :

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

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

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

Or: Incorrect or incomplete for the following reasons:


Cataloguing Acknowledgement:

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

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

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

Invitation to Tender No. [insert tender number]

| | | | | | |
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Name of company/JV: _____

Country of registration _____

Name of contact person: _____

Contact details of contact person:

Tel (landline) _____

Cell phone _____

e-mail address _____

ANNEXURE B


TENDERER'S PARTICULARS

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

| | |
|---|--|
| Indicate the type of tendering structure by marking with an 'X' (where applicable provide registration number): | |
| Individual tenderer | |
| Unincorporated JV (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 (for each individual company / JV member) | |
| VAT registration number (for each individual company / JV member) | |
| CIDB registration number (for each individual | |

| | | | |
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| company/JV member if applicable) | |
| Shareholding information (for each individual company/JV member) clearly identifying percentages owned by individual shareholders (full names & ID Numbers) and other entity shareholders (provide full legal/trading name and respective identifying registration/trust numbers) | Include as separate tender returnable if required. |
| Contact person | |
| Telephone number | |
| E-mail address | |
| Postal address (also of each member in the case of a JV) | |
| Physical address (also of each member of the JV) | |


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

| | |
|--|--|
| Name of contractor | |
| CIPC Registration number | |
| VAT registration number | |
| CIDB Registration number (if applicable) | |
| Shareholding organogram /breakdown (for each individual company/JV member) clearly identifying percentages owned by individual shareholders (full names& ID Numbers) | |

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| | |
|--|--|
| and other entities (provide full legal/trading name and respective identifying registration/trust numbers) | |
| Proposed Scope of work to be done by sub-contractor | |
| Contact person | |
| Telephone number | |
| Fax number | |
| E-mail address | |
| Postal address | |
| Physical address | |

1. If you are currently registered as a vendor with Eskom, please provide your Vendor registration number with Eskom_____
2. If you are currently registered as a vendor on the Treasury Central Tenderer Database(CSD) please provide your tenderer registration number with Treasury_____
3. Please note that it is mandatory for you to register on National Treasury's CSD, if you intend doing work with any State department or State owned entity/company
4. You may register online at National Treasury website on www.treasury.gov.za
5. If you are registered on SARS Efiling system, please provide your pin number in order to verify your tax compliant status_____
6. If you are required to be tax compliant as per SBD 1, but are not registered on CSD (foreign suppliers) or have not provided your SARS Efiling pin, please confirm that

| | | | |
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you have attached/will send a copy of a current valid tax compliant certificate as a tender returnable (by contract award stage).

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

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

- 7.1 Confirm if you intend sub-contracting

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


- 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:-
 - Black people with disabilities
 - Black people who are women
 - Black people who are youth
 - Black people
 - Black people living in rural or underdeveloped areas or townships
 - Cooperatives which are 51% owned by Black people
 - 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:

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

| | | | |
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| | | | |
|-----|--------------------------|----|--------------------------|
| 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"/> |
|-----|--------------------------|----|--------------------------|

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: _____


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.

| | | | | | |
|--|--|--|---|----------------------|--|
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| Legal Name of Joint Venture Member | Full Name and Capacity of Authorised Signatory | Signature |
|---|---|------------------|
| | | |
| | | |
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| | | | |
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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 if 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/RFQ process have a controlling partner in common, or a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another tenderer, or influence the decisions of Eskom regarding this bidding process;

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



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

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



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

| Item | Question | Yes | No |
|-------|---|-----|----|
| 1.1 | Is the <i>tenderer/s (or any of its directors/members/shareholders)</i> listed on National Treasury's Database of Restricted Tenderers 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 Tenderers and the Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) | | |
| 1.2 | Was the <i>tenderer/s (or any of its directors/members/shareholders)</i> convicted by a court of law (including a court outside South Africa) for fraud and/or corruption with respect to the procurement/tendering processes/procedures during the past five years? | | |
| 1.2.1 | Provide details | | |
| 1.3 | Was the <i>tenderer/s (or any of its directors/members/shareholders)</i> prohibited from doing business with any International Financial Development/funding Agency or Lending Institution | | |

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 Tenderer 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 declaration prove to be false.

| | |
|---|--|
| Signature: | |
| Designation and capacity in which signing: | |
| Date: | |

| | | | | | |
|--|--|--|---|----------------------|--|
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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 Tenderer 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

| | |
|--|--|
| Signature: | |
| Designation and capacity in which signing : | |
| Date: | |

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

| | | | | | |
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ANNEXURE D

CPA REQUIREMENTS FOR LOCAL GOODS AND SERVICES (SOUTH AFRICA)

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

1. APPLICATION OF CPA

Eskom requires tenderers to submit offers that are in full accordance with the Project Sourcing CPA principles as contained below.

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

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

2. TENDER SUBMISSIONS

Tenderers shall comply with the following requirements:


a. Main offer:

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

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

3. NUMBER OF FORMULAE & INDICES

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

| | | | | |
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4. CPA FIXED PORTION

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

5. BASE DATE

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

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

| Labour | Commodities | Processed material | Transport | Others |
|--|---|---|--------------------------------|--|
| Labour general (hourly paid) SEIFSA, C3, actual labour | Steel StatsSA, P1215102, basic iron and steel | Mechanical engineering material SEIFSA, G, mechanical | SEIFSA, L2, road freight costs | StasSA, PO141 CPI (Headline) OR |




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| | | | |
|---|---|--|--|
| cost | | engineering material | SEIFSA, D-1 (CPI) |
| | Copper SEIFSA, F, copper metric ton | Electrical engineering material SEIFSA, G, electrical engineering material | |
| Labour general SEIFSA, C3 (a), actual labour cost (field force) where subsistence allowance is paid | Aluminium SEIFSA, R, aluminium | Building and construction material SEIFSA, G, building and construction material | StasSA, PO142.1 (P1000002), PPI all groups OR SEIFSA, U (Domestic Output) |
| | Zinc SEIFSA, F, zinc | | |
| | Lead SEIFSA, F, lead | | |

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

| | | | | | |
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ANNEXURE F1

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 in the Preferential Procurement Regulations, 2017, 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. Preferential Procurement Regulations, 2017 (Regulation 8) make provision for the promotion of local production and content.
- 1.2. Regulation 8.(2) 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. Where necessary, for tenders referred to in paragraph 1.2 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4. 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.
- 1.5. 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:

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

| | | | |
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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%20development/ip.jsp) at no cost.

- 1.6. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation;
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:

| <u>Description of services, works or goods</u> | <u>Stipulated minimum threshold</u> |
|--|-------------------------------------|
| _____ | _____ % |
| _____ | _____ % |
| _____ | _____ % |

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

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 | |

| | | | |
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| | |
|-------|--|
| Euro | |
| Yen | |
| Other | |

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

- 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.

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

- 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.
- Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on http://www.thdti.gov.za/industrial_development/ip.jsp. 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 with the bid documentation at the closing date and time 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:



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Revision

Rev 2

Revision Date

July 2020

Group Technology and Commercial

Enquiry no

CORP4375GP, CORP4376MP, CORP4377LP, CORP4378NW, CORP4379FS, CORP4380NC, CORP4381EC, CORP4382WC, CORP4383KZN

- (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:

| | |
|--|---|
| 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 14 of the Preferential Procurement Regulations, 2017 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

SIGNATURE: _____


DATE: _____

WITNESS No. 1 _____

DATE: _____

WITNESS No. 2 _____

DATE: _____

| | | | | | |
|--|--|--|---|----------------------|--|
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| | | Group Technology and Commercial | | | |
| | | Enquiry no | CORP4375GP, CORP4376MP, CORP4377LP, CORP4378NW, CORP4379FS, CORP4380NC, CORP4381EC, CORP4382WC, CORP4383KZN | | |

Annexure F2- Local content Declaration - Summary Schedule (Annexure C)



Annexure F3 - Imports Declaration - Supporting Schedule to Annexure C (Annexure D)



Annexure F4 - Local Content Declaration - Supporting Schedule to Annex C (Annexure E)



Annex C

Local Content Declaration - Summary Schedule

| | | | |
|--------------------------------|------|----|-----|
| (C1) Tender No. | | | |
| (C2) Tender description: | | | |
| (C3) Designated product(s) | | | |
| (C4) Tender Authority: | | | |
| (C5) Tendering Entity name: | | | |
| (C6) Tender Exchange Rate: | Pula | EU | GBP |
| (C7) Specified local content % | | | |

Note: VAT to be excluded from all calculations

| Tender item no's | List of items | Calculation of local content | | | | Tender summary | | | | | |
|------------------|---------------|--------------------------------|-------------------------|---|----------------|----------------|----------------------------|------------|--------------------|---------------------------------|------------------------|
| | | Tender price - each (excl VAT) | Exempted imported value | Tender value net of exempted imported content | Imported value | Local value | Local content % (per item) | Tender Qty | Total tender value | Total exempted imported content | Total Imported content |
| (C8) | (C9) | (C10) | (C11) | (C12) | (C13) | (C14) | (C15) | (C16) | (C17) | (C18) | (C19) |
| | | | | | | | | | | | |
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Signature of tenderer from Annex B

Date:

(C20) Total tender value
(C21) Total Exempt imported content
(C22) Total Tender value net of exempt imported content
(C23) Total Imported content
(C24) Total local content
(C25) Average local content % of tender

Annex D

Imported Content Declaration - Supporting Schedule to Annex C

(D1) Tender No. _____
 (D2) Tender description: _____
 (D3) Designated Products: _____
 (D4) Tender Authority: _____
 (D5) Tendering Entity name: _____
 (D6) Tender Exchange Rate: _____ Pula _____

Note: VAT to be excluded from all calculations

EU R 9.00 GBP R 12.00

A. Exempted imported content

| Tender Item no's | Description of imported content | Local supplier | Overseas Supplier | Calculation of imported content | | | | | | Summary | |
|------------------|---------------------------------|----------------|-------------------|--|----------------------|------------------------|--------------------------------|---|----------------------------|------------|-------------------------|
| | | | | Foreign currency value as per Commercial Invoice | Tender Exchange Rate | Local value of Imports | Freight costs to port of entry | All locally incurred landing costs & duties | Total landed cost excl VAT | Tender Qty | Exempted imported value |
| (D7) | (D8) | (D9) | (D10) | (D11) | (D12) | (D13) | (D14) | (D15) | (D16) | (D17) | (D18) |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
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| | | | | | | | | | | | |

(D19) Total exempt imported value

This total must correspond with Annex C - C.21

B. Imported directly by the Tenderer

| Tender Item no's | Description of imported content | Unit of measure | Overseas Supplier | Calculation of imported content | | | | | | Summary | |
|------------------|---------------------------------|-----------------|-------------------|--|-------------------------|------------------------|--------------------------------|---|----------------------------|------------|----------------------|
| | | | | Foreign currency value as per Commercial Invoice | Tender Rate of Exchange | Local value of Imports | Freight costs to port of entry | All locally incurred landing costs & duties | Total landed cost excl VAT | Tender Qty | Total imported value |
| (D20) | (D21) | (D22) | (D23) | (D24) | (D25) | (D26) | (D27) | (D28) | (D29) | (D30) | (D31) |
| | | | | | | | | | | | |
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| | | | | | | | | | | | |

(D32) Total imported value by tenderer

C. Imported by a 3rd party and supplied to the Tenderer

| Description of imported content | Unit of measure | Local supplier | Overseas Supplier | Calculation of imported content | | | | | | Summary | |
|---------------------------------|-----------------|----------------|-------------------|--|-------------------------|------------------------|--------------------------------|---|----------------------------|-------------------|----------------------|
| | | | | Foreign currency value as per Commercial Invoice | Tender Rate of Exchange | Local value of Imports | Freight costs to port of entry | All locally incurred landing costs & duties | Total landed cost excl VAT | Quantity Imported | Total imported value |
| (D33) | (D34) | (D35) | (D36) | (D37) | (D38) | (D39) | (D40) | (D41) | (D42) | (D43) | (D44) |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |

(D45) Total imported value by 3rd party

D. Other foreign currency payments

| Type of payment | Local supplier making the payment | Overseas beneficiary | Calculation of foreign currency payments | | Summary of payments | |
|-----------------|-----------------------------------|----------------------|--|-------------------------|-------------------------|--|
| | | | Foreign currency value paid | Tender Rate of Exchange | Local value of payments | |
| (D46) | (D47) | (D48) | (D49) | (D50) | (D51) | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

(D52) Total of foreign currency payments declared by tenderer and/or 3rd party

(D53) Total of imported content & foreign currency payments - (D32), (D45) & (D52) above

This total must correspond with Annex C - C.23

Signature of tenderer from Annex B

Date: _____

Annex E

Local Content Declaration - Supporting Schedule to Annex C

| | | |
|------|------------------------|--|
| (E1) | Tender No. | <input style="width: 95%;" type="text"/> |
| (E2) | Tender description: | <input style="width: 95%;" type="text"/> |
| (E3) | Designated products: | <input style="width: 95%;" type="text"/> |
| (E4) | Tender Authority: | <input style="width: 95%;" type="text"/> |
| (E5) | Tendering Entity name: | <input style="width: 95%;" type="text"/> |

Note: VAT to be excluded from all calculations


| Local Products (Goods, Services and Works) | Description of Items purchased | Local suppliers | Value |
|---|---|-----------------|-------|
| | (E6) | (E7) | (E8) |
| | | | |
| | | | |
| | | | |
| | | | |
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| | | | |
| | | | |
| | | | |
| | (E9) Total local products (Goods, Services and Works) | | |

| | | | |
|-------|---|--|--|
| (E10) | Manpower costs | (Tenderer's manpower cost) | <input style="width: 95%;" type="text"/> |
| (E11) | Factory overheads | (Rental, depreciation & amortisation, utility costs, consumables etc.) | <input style="width: 95%;" type="text"/> |
| (E12) | Administration overheads and mark-up | (Marketing, insurance, financing, interest etc.) | <input style="width: 95%;" type="text"/> |
| | | (E13) Total local content | <input style="width: 95%;" type="text"/> |

This total must correspond with Annex C - C24

Signature of tenderer from Annex B

Date: _____

| | | | | |
|--|--|--|---|----------------------|
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ANNEXURE H




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**:

| Item | Date Received | Title or Description |
|-------------|----------------------|-----------------------------|
| 1. | | |
| 2. | | |
| 3. | | |
| 4. | | |
| 5. | | |
| 6. | | |

Name and Designation

Signature

| | | | |
|--|--|--|---|
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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] | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> B-BBEE STATUS LEVEL SWORN AFFIDAVIT | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| IF YES, WHO WAS THE CERTIFICATE ISSUED BY? | | | |

| | | |
|--|--------------------------|--|
| AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) AND NAME THE APPLICABLE IN THE TICK BOX | <input type="checkbox"/> | AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA) |
| | <input type="checkbox"/> | A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS) |
| | <input type="checkbox"/> | A REGISTERED AUDITOR |
| | | NAME: |

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




Invitation to Tender/ Request for Quotation (RFQ)

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


**PART B
TERMS AND CONDITIONS FOR BIDDING**

- | |
|---|
| 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. |

| | | | | | |
|--|--|--|---|----------------------|--|
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| | |
|---|--|
| 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 CSD NUMBER MUST BE PROVIDED. |
| 3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS | |
| 3.1. | IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? NO <input type="checkbox"/> YES <input type="checkbox"/> |
| 3.2. | DOES THE BIDDER HAVE A BRANCH IN THE RSA? NO <input type="checkbox"/> YES <input type="checkbox"/> |
| 3.3. | DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA? NO <input type="checkbox"/> YES <input type="checkbox"/> |
| 3.4. | DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA? NO <input type="checkbox"/> YES <input type="checkbox"/> |
| IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE. | |

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

| | | | | | |
|--|--|--|---|----------------------|--|
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Annexure 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

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

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

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

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


| | POINTS |
|--|------------|
| PRICE | |
| B-BBEE STATUS LEVEL OF CONTRIBUTOR | |
| Total points for Price and B-BBEE must not exceed | 100 |

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;

| | | | |
|--|--|--|---|
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| | | Group Technology and Commercial | |
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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 or 90 points is allocated for price on the following basis:

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$


Where

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

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:

| B-BBEE Status Level of Contributor | Number of points (90/10 system) | Number of points (80/20 system) |
|------------------------------------|---------------------------------|---------------------------------|
| 1 | 10 | 20 |
| 2 | 9 | 18 |
| 3 | 6 | 14 |
| 4 | 5 | 12 |
| 5 | 4 | 8 |
| 6 | 3 | 6 |

| | | | |
|--|--|--|---|
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| | | |
|---------------------------|---|---|
| 7 | 2 | 4 |
| 8 | 1 | 2 |
| Non-compliant contributor | 0 | 0 |

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

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

| | | | |
|--|--|--|---|
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(Tick applicable box)

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

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

| Designated Group: An EME or QSE which is at least 51% owned by: | EME √ | QSE √ |
|---|----------|----------|
| Black people with disabilities | | |
| Black people who are women | | |
| Black people who are Youth | | |
| Black people | | |
| Black people living in rural or underdeveloped areas or townships | | |
| Cooperative owned by black people | | |
| Black people who are military veterans | | |

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

.....

.....

.....

.....

| | | | |
|--|--|--|---|
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| | | Group Technology and Commercial | |
| | | Enquiry no | CORP4375GP, CORP4376MP, CORP4377LP, CORP4378NW, CORP4379FS, CORP4380NC, CORP4381EC, CORP4382WC, CORP4383KZN |

.....


8.6 COMPANY CLASSIFICATION

- Manufacturer
 - Supplier
 - Professional service provider
 - Other service providers, e.g. transporter, etc.
- [TICK APPLICABLE BOX]

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-BBE 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

| | | | | |
|--|--|--|---|----------------------|
|  | Invitation to Tender/ Request for Quotation (RFQ) | Unique Identifier | | 240-114238630 |
| | | Revision | | Rev 2 |
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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: