ESKOM HOLDINGS SOC LTD

INVITATION TO TENDER (ITT) / REQUEST FOR PROPOSAL (RFP)

FOR

The supply and delivery of prefabricated Guardhouses to various Eskom sites on a once off bases within the LimLanga Cluster.

Tender number	**E1529DXPMDR**
Issue date	**12 November 2026**
Closing date and time	**10 December 2026 at 10h00am**
Tender validity period	**180 days from the closing date and time**
Clarification meeting	**Date: 18 November 2026** **Time: 11:00am** A **non-compulsory clarification** meeting will be held via Microsoft Teams prior tender closure. Tenderers interested in participating in the clarification meeting through online Microsoft teams must **click on the link below** **Join meeting now**
Tenders are to be submitted electronically via Eskom E- tendering site by the stipulated closing date and time. ***Please note it is the responsibility of the supplier to ensure that the tender submission is submitted before the closing time***	**https://etendering.eskom.co.za**

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Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter "Eskom") invites you to submit a *tender* for **the supply and delivery of prefabricated Guardhouses to various Eskom sites within the LimLanga Cluster.**

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

1. Free of charge

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

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

Yours faithfully

Procurement Manager/Commodity Manager

(Full name and Designation)

Date: 12/11/2026

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1.1 Annexures to the Tender

The following document listed hereunder are attached to this Invitation to Tender/Request for Proposal.

Number	Description	Annexure	Attached (Y / N / N/A)
1.1.1	*Authorisation Form	Annexure A	Y
1.1.2	*Acknowledgement form	Annexure B	Y
1.1.3	*Tenderer's particulars	Annexure C	Y
1.1.4	*Integrity Declaration Form **(Suppliers are required to download and read the Supplier Integrity Pact. It is accessible on the Eskom Tender Bulletin via Eskom Supplier Integrity Pact (eskom.co.za) link)**	Annexure D	Y
1.1.5	*CPA Requirements for Local Goods/Services	Annexure E	N/A
1.1.6	*CPA(IG) for Foreign Goods/Services (if applicable)	Annexure F	N/A
1.1.7	SBD 6.2 Declaration Certificate for Local Production and Local Content **(only applicable if designated materials are included and then Tenderers will be required to complete and submit Annexures G1 to G4 as evidence of compliance with this requirement).** Annexure C Local Content Declaration- Summary Schedule Annexure D Imported Content Declaration – Supporting Schedule to Annexure C Annexure E Local Content Declaration- Supporting Schedule to Annexure C	Annexure G1 Annexure G2 Annexure G3 Annexure G4	Y Y Y Y
1.1.8	*SBD 1 Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline	Annexure H	Y
1.1.9	*SBD 6.1 Preference Points Claim Form in terms of PPPFA 2022 regulations	Annexure I	Y
1.1.10	*SBD 4 – Bidders Disclosure	Annexure J	Y
1.1.11	Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE		N/A
1.1.12	Reverse e-auction training acknowledgement form (if applicable)		

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Number	Description	Annexure	Attached (Y / N / N/A)
1.1.13	Reverse e-auction process (if applicable)		N/A
1.1.14	E-tendering Help Manual acknowledgement form	Attached separately	Y
1.1.15	E-tendering Help Manual for supplier	Attached separately	Y
1.1.16	CIDB Contract Skills Development Goals (CSDG) (if applicable)		N/A
1.1.17	Contract Participation Goals (CPG) (if applicable)		N/A
1.1.18	Scope of Work		Y
1.1.19	NEC or other Contract		N/A
1.1.20	Price List	Annexure K	Y
1.1.21	Non-disclosure agreement (NDA)	Attached separately	Y
1.1.22	Quality Requirements		N/A
1.1.23	Environmental Requirements		N/A
1.1.24	Safety Requirement (acknowledgement of Eskom's SHE rules and requirements form (Annexure B)	Attached separately	Y
1.1.25	Eskom Standard Conditions of Tender (Rev.12)	Attached separately	Y

1.2 Tender Data

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

Clause Number from Standard Conditions of Tender	Tender Data
1.1 Parties	The *Employer* is **Eskom Holdings SOC Ltd** The Eskom *Representative* is: Name: **Julia Mbowane** Tel: **015 230 1699**

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Clause Number from Standard Conditions of Tender	Tender Data
	E-mail: MbowanMJ@eskom.co.za
1.3 Tender documents	The Invitation to tender number is: **E1529DXPMDR** See the content list above for the tender documents.
1.4 Type of Invitation to Tender	This Invitation to Tender is: **1.** An open Invitation to Tender
1.6 Eskom's right to accept or reject any tender	The tender shall be for the **whole** of the contract.
2.1 Eligibility	Tenderers (whether a single company or an incorporated or unincorporated joint venture or consortium) must meet the eligibility criteria stated in the Tender Data. The tenderer, or any of its principals, must not be under any restriction to do business with Eskom or State-Owned Companies. **Tenderers are ineligible to submit a tender if:** **1.** Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be found to have the nationality of a country if the tenderer is a national or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also apply to the determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services. **2.** Tenderers submit more than one [tender] either individually or as a partner in a joint venture (JV) or consortium, except on an E-Tendering system where there is a limit size (900MB) for submission and the tenderers may submit more than one submission with the same tender number. **3.** Tenders submitted by a joint venture or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms. **4.** A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. Prima facie evidence that a tenderer has a conflict of interest with one or more parties in this [tendering] process is: (a) they have a controlling partner or 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 to influence the decisions of the Employer regarding this bidding process. **5.** Tenders signed by non-authorised persons. **6.** Any tenderer that is restricted by National Treasury. **7.** Any tenderer on the Tender Defaulters list. **8.** A tenderer that sub-contracts 100% of the Scope of Work **Eskom will disqualify tenderers that are found not to have met the eligibility criteria.**

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Clause Number from Standard Conditions of Tender	Tender Data
2.2 - 2.5 Tender Closing	The deadline for **Tender submission** is: **Date: 10 December 2026** **Time: 10:00am** **Late Tenders will not be accepted.** **Tenders are uploaded via Eskom Tender bulletin site on the Eskom E-tendering page.**
2.7-.2.11 Submitting a tender	For Electronic Tender Submissions The tenderer must upload the tender via Eskom Tender bulletin site on the Eskom E-tendering page. The documents need to be upload under the folder Technical, Commercial, Financial, and other. All documents need to be submitted in a PDF format. (The upload size per document is 500 megabytes and total submission of 4GB). The price list needs to be submitted in PDF. No Zip/condense files can be uploaded No hard copy will be accepted If for some reason you resubmit your tender, then the latest version of the tender submitted will only be accepted and all previous submission/s will be null and void. Please ensure that the submission status is indicated as complete. Supplier Help Manual guide and video can be found on Eskom E-Tendering page.
2.12 Tender Validity Period	The tender validity period is **180 days**
2.15 Site visit and/or clarification meeting	A non-compulsory clarification meeting with representatives of Eskom will take place as follows: **Date: 19 November 2026** **Time: 11:00am** **Venue: Microsoft Teams** Tenderers must confirm their intention to attend with the Eskom Representative, stating the name, position and contact details of each proposed attendee.
2.16 Seeking clarification	The tenderer will notify Eskom of any clarifications required before the closing time for clarification queries, which is **5 working days** before the deadline for tender submission.
2.22 Alternative tenders	Alternative tenders are **not allowed**
2.33 Cataloguing	The applicable items are catalogued and there are no cost implications
2.34 Provision of Security for Performance	Not applicable
3.4 Tender Opening	For E-tendering. There will be no public opening of tenders. Tenders will be downloaded electronically

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Clause Number from Standard Conditions of Tender	Tender Data
3.5 Tender Prices	Prices will **not be read out**.
3.9 Basic Compliance	Basic compliance with this Invitation to Tender requires a tenderer to meet all the following requirements: **Step 1: Mandatory Basic Compliance** Basic compliance for this invitation to tender/ RFP are: 1. Meet the eligibility criteria for a tenderer 2. For Electronic Tender Submissions: The tenderer must upload the tender via Eskom Tender bulletin site on the Eskom E-tendering page. The documents need to be upload under the folder Technical, Commercial, Financial, and other. All documents need to be submitted in a PDF format. (The upload size per document is 500 megabytes and total submission of 4GB). The price list needs to be submitted in PDF. No Zip/condense files can be uploaded. No hard copy will be accepted. If for some reason you resubmit your tender, then the latest version of the tender submitted will only be accepted and all previous submission/s will be null and void. 3. Submission of the mandatory commercial tender returnables as at stipulated deadlines. For E-Tendering, a tenderer's failure to have submitted/uploaded tender documents will render the tender non-responsive.
3.10 Mandatory tender returnables	A tenderer that does not submit mandatory documents by or the complete information required in mandatory documents by the deadlines as stipulated in the Tender Returnable section of the respective Invitation to Tender/RFP will be deemed non-responsive. **Step 2: Mandatory returnable requirements** **The following commercial mandatory requirements are returnable required at tender closing (disqualifiable):** • These returnables are required to be fully completed, signed (if required on the returnable) and submitted with the tender at Tender closing date and time. If not fully completed, signed (if required on the returnable) and/or submitted by tender closing, the tenderer will be disqualified.

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Clause Number from Standard Conditions of Tender	Tender Data

Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable)*
Basic Compliance	**For Electronic Tender Submissions:** The tenderer must upload the tender via Eskom Tender bulletin site on the Eskom E- tendering page. The documents need to be uploaded under the folder Technical, Commercial, Financial, and other. All documents need to be submitted in a PDF format. (The upload size per document is 500 megabytes and total submission of 4GB). The price list needs to be submitted in PDF and a copy in excel format. No Zip/condense files can be uploaded No hard copy will be accepted If for some reason you resubmit your tender, then the latest version of the tender submitted will only be accepted and all previous submission/s will be null and void. Please ensure that the submission status is indicated as complete. Supplier Help Manual guide and video can be found on Eskom E-Tendering page.	√
Price list	Completed price list	√

A tenderer that does not meet the mandatory commercial requirements above by the required deadlines will be deemed non-responsive.

NOTE THE FOLLOWING:

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

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Clause Number from Standard Conditions of Tender	Tender Data

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

Reference	Returnable From Suppliers	Returnable required at Tender closing. (Non-disqualifiable) **
Non-Disclosure agreement (NDA	Submit completed and signed Non-Disclosure Agreement (NDA)	√
Annexure A	Authorization Form	√
Annexure B	Acknowledgement Form	√
Annexure C	Tenderers Particulars	√
Annexure D	Integrity Pact Declaration form	√
Annexure H (applicable for all suppliers including foreign suppliers)	SBD 1- to be completed and submitted by all tenderers.	√
Annexure J	SBD 4 – Bidders Disclosure	√
Additional Documents required in event of JV: -	Letter of intent to form a JV/consortium or Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios.	√
	Separate written confirmation that the joint venture will operate as a single business entity (incorporated) for the duration of the contract, or this may be included as an obligation within the JV agreement.	√

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

a) SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations (Annexure H)
b) Proof of compliance to the stipulated Specific goals i.e., BBB-EE certificate or Sworn affidavit.

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Clause Number from Standard Conditions of Tender	Tender Data
	General Information on Validity of Sworn Affidavits The following must be considered when it comes to validity of Affidavits; **Tenderers submitting B-BBEE Sworn Affidavits must ensure that the affidavits meet the following key pointers to ensure their validity:** • Name/s of deponent as they appear in the identity document and the identity number. • Designation of the deponent as the **director**, **owner** or **member** must be indicated in order to know that person is duly authorised to depose of an affidavit. **(Mark the applicable option).** • Name of enterprise as per enterprise registration documents issued by the CIPC, where applicable, and enterprise business address. • Percentage of black ownership, black female ownership and designated group. In the case of specialised enterprises as per Statement 004, the percentage of black beneficiaries must be reflected. (**No blank spaces to be left**). • Indicate total revenue for the year under review and whether it is based on **audited financial statements** or **management account**. **(Mark the applicable option).** • Financial year end as per the **enterprise's registration documents**, which was used to determine the total revenue. (Financial year end to be stipulated by **day/month/year).** • B-BBEE Status level. An enterprise can only have one status level. **(Tick applicable level)** • Empowering supplier status must be indicated. For QSEs, the deponent must select the basis for the empowering supplier status. • Date deponent signed and date of Commissioner of Oath must be the same. **(The sworn affidavit must be signed in the presence of the Commissioner of Oath. Furthermore the Commissioner must also sign and stamp)** • Commissioner of Oath cannot be an employee or ex officio of the enterprise because, a person cannot by law, commission a sworn affidavit in which they have an interest.
3.13 Functionality requirements	**Step 3: Technical Requirements** **Technical Mandatory requirements** **Each tenderer shall pass the mandatory requirements evaluation. Tenderers not meeting any of the mandatory requirement's evaluation shall be excluded from further evaluation.** **Table 1: Mandatory Technical Returnable** All evidence stated below must be included in the tender returnable for the submission to be considered complete. All returns must be submitted at tender closing and cannot be requested or submitted after tender closing.

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Clause Number from Standard Conditions of Tender	Tender Data

No	Criteria	Mandatory	Returnable (Evidence)
1	Completed and signed Technical A&B Schedules for each item as stated on the enquiry as per Annexures A & B.	Y	Returnable: Completed and signed Technical A&B Schedules per Annexures A & B. This schedule is considered completed when the Supplier includes the product specific information into the Schedule B column for all criteria. Schedules will be considered incomplete if any criteria in Column B is returned blank or with non-technical responses such as “N/A”, “TBD”, “Will be submitted later” etc. Specific deviations to the Schedule A requirements are to be clearly stated in the Deviation Schedule (Annexure C) with details related to the deviation and motivation for Eskom to consider a concession
2	Completed and signed Deviation Schedule for each item as per Annexure C.	Y	Returnable: Completed and signed Deviation Schedules per item. Note: If no deviations exist then none need to be listed, however the evidence of the Deviation Schedule must still be signed and submitted with a “nil” record. Deviations stated on the Deviation Schedule may relate to deviations stated on the Technical A&B Schedule
3	Complete and Approved (signed) Manufacturer Drawings for each item	Y	Returnable: Completed and approved (signed) Manufacturer Drawings per item. “Approved” means there is an approval signature on the drawing.

Only tenders that meet ALL the above mandatory requirements will proceed to the functional evaluation

Step 3 – Continued

The evaluation levels are as follows:

- Level 1 Mandatory Technical Criteria Evaluation
- Level 2 Functional (Scoring) Criteria Evaluation

Technical: Functionality

The Level 2 minimum threshold will be **80.00%.**

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- Submissions meeting 80.00% of the Level 2 requirements will proceed to the next level of the technical evaluation.
- Submissions failing to meet 80.00% of the Level 2 requirements will be deemed non-compliant; the submission will be disqualified and not evaluated further.

Table 2: Schedule A&B Scoring Methodology

Item	Description	Weight Score
1.	No deviations	100%
2.	Less than 2 deviations	80%
3.	Deviations are more than 2 and less than 5.	60%
4.	Deviations are more than 5 and less than 7.	40%
5.	Deviations are more 7	0%
Sum		**100%**

Table 3: Drawing Scoring Methodology

Item	Description	Weight Score
1.	Manufactures Name	30%
2.	Detailed Assembly	40%
Sum		**100%**

Table 4: Summary of Evaluation Results

Item	Description	Weight Score
1.	Schedule A and B	50%
2.	Deviation Schedule	20%
3.	Drawings	30%
Sum		**100%**

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Clause Number from Standard Conditions of Tender	Tender Data

Summary Table of Technical Tender Process

Table 5: Summary of Technical Tender Process

Level	Level Description	Threshold	Outcomes
1	Mandatory (Gatekeeper) Criteria	N/A	• Submissions meeting 100% - will proceed to the next level. • Submissions failing to meet 100% - deemed non-responsive; the submission will be disqualified and not evaluated further.

Level	Level Description	Threshold	Maximum Score	Minimum Score	Outcomes
2	Functional (Scoring) Criteria	80.00 %	100%	80.00%	• Submissions meeting 80.00% - proceed to the next level of the technical evaluation. • Submissions failing to meet 80.00% - deemed non-compliant; the submission will be disqualified and not evaluated further.

Shared resources (e.g. vehicles and training certificates of employees) shall not be accepted. Tenderers sharing certificates and found to have misrepresented information on the Tender document shall be disqualified.

Note: Eskom reserves the right to conduct reference checks if a need arises. Tenderer(s) shall be disqualified if found to have misrepresented information on the tender document.

Tenders which fail to meet the functionality minimum threshold of 80% will not be evaluated further.

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Clause Number from Standard Conditions of Tender	Tender Data
3.15 Evaluation of Price	**Step 4: Price and Preference point system** Price and preference will be applied as follows: • The 80/20 preference points system will be used to evaluate price. Price points will be calculated out of 80 for price (Evaluated price including VAT). A maximum of 20 points will be awarded to a tenderer for the specific goal. • The points scored for the specific goal will be added to the points scored for price and the total will be rounded off to the nearest two decimal places. The order must be awarded to the tenderer scoring the highest points unless objective criteria if any justify the award to another tenderer. • The order/s will be awarded to the highest ranked supplier/s based on the highest points scored per item, in terms of the PPR 2022 unless objective criteria justify the award to another tenderer. $$Ps = 80\ \left(1\frac{Pt - Pmin}{Pmin}\right)$$ Where Ps = Points scored for price of bid under consideration Pt = Price of bid under consideration Pmin = Price of lowest acceptable bid **The ranking will be as follows:** • The points scored for Price must be added to the points scored for B-BBEE status in order to obtain each tenderer's total points scored out of 100. • In the event that two or more tenderers have scored equal points, the recommended tenderer is identified as the tenderer that scored the higher points for Specific Goals. • In the event that two or more tenderers are equal in all respects, the recommended tenderer must be identified by the drawing of lots. **Eskom reserves the right to negotiate with preferred bidders after a competitive bidding process or price quotation; should the tendered prices not be deemed market related.**
3.18 Evaluation of Specific Goals	**Specific goals** A maximum of 20 points may be awarded to a tenderer for the specific goal specified for the tender. The points scored for the specific goal must be added to the points scored for price and the total must be rounded off to the nearest two decimal places. Subject to section 2(1)(f) of the Preferential Procurement Policy Framework Act, the contract must be awarded to the tenderer scoring the highest points.

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Clause Number from Standard Conditions of Tender	Tender Data
	<table><tr><th>B-BBEE Status Level of Contributor</th><th>Number of points (80/20 system)</th></tr><tr><td>1</td><td>20</td></tr><tr><td>2</td><td>18</td></tr><tr><td>3</td><td>14</td></tr><tr><td>4</td><td>12</td></tr><tr><td>5</td><td>8</td></tr><tr><td>6</td><td>6</td></tr><tr><td>7</td><td>4</td></tr><tr><td>8</td><td>2</td></tr><tr><td>Non-compliant contributor</td><td>0</td></tr></table> **NB: The following documents are required to claim preference points:** • Valid B-BBEE certificate issued by a SANAS accredited verification agency / sworn affidavit / CIPS affidavit • Proof of ownership / shareholding (preferably CIPC documentation) inclusive of shareholding breakdown • Certified ID copies of shareholder(s) • Proof of Disability (where applicable) **Tenderer failing to provide documentation for the allocation of preference points will not be disqualified, but:** • May only score point out of 80 for price • Scores 0 points out of 20 for specific goals
3.19 Ranking of tenders	Tenderers will be ranked by applying the preferential point scoring for the ***80/20***] system. Eskom will add the score from Pricing and Specific Goals together and rank the suppliers from the highest to the lowest. **The ranking will be as follows:** • The points scored for Price must be added to the points scored for B-BBEE status in order to obtain each tenderer's total points scored out of 100. • In the event that two or more tenderers have scored equal points, the recommended tenderer is identified as the tenderer that scored the higher points for Specific Goals. • In the event that two or more tenderers are equal in all respects, the recommended tenderer must be identified by the drawing of lots.

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<table>
<tr><th>Clause Number from Standard Conditions of Tender</th><th>Tender Data</th></tr>
<tr><td>3.20 Objective Criteria (if applicable)</td><td>
<u>Step 5: Application of Objective Criteria</u>
When applicable the following stipulated minimum threshold for Local Production and Content must be achieved in full by the tenderer

<table>
<tr><th>Sector</th><th>Components</th><th>Local Content Threshold</th></tr>
<tr><td>Electrical</td><td>Electrical</td><td>90%</td></tr>
<tr><td rowspan="5">Steel Value-added Products</td><td>Fabricated Structural Steel</td><td>100%</td></tr>
<tr><td>Frames</td><td>100%</td></tr>
<tr><td>Roof and Cladding</td><td>100%</td></tr>
<tr><td>Sheets</td><td>100%</td></tr>
<tr><td>Reinforcing bars</td><td>100%</td></tr>
<tr><td>Cement</td><td>Masonry Cement</td><td>100%</td></tr>
<tr><td>Plastic Pipes</td><td>Polyvinyl chloride (PVC) pipes</td><td>100%</td></tr>
</table>

Local Content Formula
LC = 1- (x/y) x 100
x: the imported content in Rand
y: the tender price in Rand

The inclusion of objective criteria is not mandatory but a condition for contract award. If the tenderer does not meet objective criteria; it may lead to the second-ranked tenderer being recommended for award
</td></tr>
<tr><td>3.21 Reverse e-auction (if applicable)</td><td>Reverse e-auction is not applicable</td></tr>
<tr><td>Contractual Requirements</td><td>
<u>Step 6: Contractual Requirements</u>

• Tenderer(s) recommended for award, including those justified on the bases of objective criteria, must still meet Contractual requirements as set out in the enquiry. Contractual requirements exclude objective criteria and Contractual requirements are not evaluation criteria. They are required to be met and assessed after the evaluation and ranking of the tenders.
• The tenderer will be allowed 7 working days, to resubmit the contractual requirements that were not met after the tender submission.
• Proof that the highest-ranked tenderer / preferred tenderer is able to meet the contractual requirements must be submitted before the contract may be awarded.
• If the tenderer does not meet a contractual requirement, mitigating factors, may be agreed to and be made terms and requirements of the contract. If the tenderer does not agree with the mitigating factors or if there are insufficient suitable mitigating
</td></tr>
</table>

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Clause Number from Standard Conditions of Tender	Tender Data

factors or if the risk is deemed too high, the tender may be awarded to a tenderer other than the highest-ranked (the second-ranked).

THE FOLLOWING CONTRACTUAL REQUIREMENTS SHALL APPLY:

- Proof of CSD Tax Compliance
- Commercial Statutory Documents
- Eskom Health and Safety Requirements

Proof of CSD Tax Compliance

It is to be noted that a contract shall not be awarded to a supplier with a CSD Tax Non-Compliance Status.

Commercial Statutory Documents

Commercial statutory documents returnable prior to contract award.

Reference	Returnable From Suppliers	Returnable required prior to Contract Award.
B-BBEE	Valid B-BBEE certificate issued by a SANAS accredited verification agency / sworn affidavit / CIPC affidavit	√
Tax Clearance Certificates or SARS Tax pin	- A certified copy of a tax clearance certificate is required from foreign tenderers (with a footprint in South Africa but that are not registered on CSD and have not provided a SARS pin number) and local tenderers (that have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number). - Foreign suppliers with no footprint in South Africa must complete the SBD1 document; however, no proof of tax compliance is required.	√
COIDA	Valid Letter of Good Standing with the compensation body/ FEMA (Federated employer's mutual assurance)/RMA (Rand mutual Assurance).	√
CSD	Proof of National Treasury Central Supplier Database (CSD) registration with a tax compliant status at contract award	√

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Clause Number from Standard Conditions of Tender	Tender Data

Compliance with Employment Equity Act	To the extent that the tenderer falls within the definition of a "designated Employer" as contemplated in the Employment Equity Act 55 of 1998, the tenderer is required to furnish the Employer with proof of compliance with the Employment Equity Act, including proof of submission of the Employment Equity report to the Department of Labour. (South African tenderers only).	√

Eskom Health and Safety Requirements

Ref	Eskom Health and Safety Requirements Checklist	Proof Required	
		Yes	**No**
	Section A: OHS Legal Requirements to be met by Contractors at Tender Stage before contract award (Application of Responsive and Non-Responsive Criteria)		
1.	**1.1** Provide Baseline Risk Assessment (BRA), relevant to the scope of work which must be addressed; **1.1.1** Identification of SHE hazards, i.e. assessment of SHE risks related to the scope of work. The below criteria should be applied: • Consequence rating • Likelihood rating • Risk rating, • Mitigation measures, review and monitoring plan		
2.	SHE policy signed by CEO/ MD – Should have the next review date, should comply with OHS Act Section 7		
3.	Provide the following SHE Competency training certificates. 3.1. First Aiders Level 2 3.2. Crane operating certificate 3.3. HIRA Training / Risk assessment		
4.	4.1. Provide Employees/Driver's Medical fitness certificate. 4.2. Provide valid driver's license		
5.	Provide Substance abuse procedure		

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Clause Number from Standard Conditions of Tender	Tender Data
	6. Provide a crane test certificate that complies with the requirements of Driven Machinery Regulation 18 (DMR 18). Section B: OHS Eskom Tender Requirements to be met by Contractors (Non-Disqualifying Criteria) 7. Is the acknowledgement of Eskom's SHE rules and requirements form (Annexure B) signed and submitted by the tenderer? 1. = Document not submitted OR submitted but does not satisfy the minimum requirements 2. = Document submitted and the content satisfy the minimum SHE requirements **Tenders that do not meet Eskom's Contractual requirements will not be awarded the contract.**
3.24 Sign formof Agreement/ Contractual Conditions	**Eskom General Conditions of Purchase**
2.28 CIDB Requirements (where applicable for Engineering and Construction Works Contracts)	CIDB Requirements are **not applicable**
2.29 Contract Skills Development Goals (CSDG) is not applicable	Not applicable
2.30 Contract Participation Goals is not applicable	Not applicable

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Please note:

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

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

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

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

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

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

"proof of B-BBEE status level of contributor" means-

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

1.3 TENDER RETURNABLES

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

NOTE THE FOLLOWING: -

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

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

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

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

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signed if required and/or received by the Procurement Practitioner within 5 working days of the request, the tenderer will be disqualified.

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

 # <u>Returnables required at Tender Closing date and time for evaluation: -</u>

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

<u>Returnable required prior to Contract Award.</u>

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

Reference	Returnable From Suppliers	Returnable required at Tender closing (disqualifiable)*	Returnable required at Tender closing. (Non-[illegible])**	Returnable required at Tender closing (will not be disqualified but score zero) #	Returnable required prior to Contract Award.
Basic Compliance	Electronic copy of the tender in a PDF format. The price list needs to be submitted in PDF and a copy in excel format (The upload size per document is 500 megabytes and total submission of 4GB).	✓			
Annexure A	Authorization Form - Completed and signed declaration of authority form / submit the signed resolution by the board confirming the duly authorised personnel to sign all documents in connection with this tender. Note – The authorisation form must be submitted to confirm the authority of the supplier's representative to act as an authorised agent on behalf of the supplier.		✓		
Annexure B	Acknowledgement Form		✓		
Annexure C	Tenderers Particulars		✓		
Annexure D	Integrity Pact Declaration form		✓		
Annexure E	*CPA Requirements for Local Goods/Services (if applicable)	N/A			
Annexure F	*CPA(IG) for Foreign Goods/Services (if applicable)	N/A			

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Annexure G1-G4	SBD 6.2 -Declaration certificate for local production and content and Annexures G2,G3,G4 [only applicable where designated materials are included]		✓		
Annexure H (applicable for all suppliers including Foreign suppliers)	SBD 1- to be completed and submitted by all tenderers.		✓		
# Annexure I	SBD 6.1- Preference Points Claim Form in terms of PPPFA 2022 regulations			✓	
Annexure J	SBD 4 – Bidders Disclosure		✓		
Annexure K	Price List	✓			
Tax Evaluation Questionnaire	Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE	N/A			
E-Tenderers E-Tendering Training Acknowledgement Form	Submit completed and signed E-Tenderers E-Tendering Training Acknowledgement Form		✓		
Additional Documents required in event of JV:-	Letter of intent to form a JV/consortium or Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios.		✓		
	Separate written confirmation that the joint venture will operate as a single business entity (incorporated) for the duration of the contract or this may be included as an obligation within the JV agreement.		✓		
	Details and confirmation of a single designated bank account in the name of the JV and independent of the individual JV partners, as set out in the joint venture agreement.				✓
# Specific Goals	A tenderer's failure to submit proof that it meets the specific goals will not result in its disqualification. The tenderer will, however, be scored zero for Specific Goals for purposes of PPPFA scoring and ranking.			✓	
Tax Clearance Certificates	A certified copy of a tax clearance certificate is required from foreign tenderers (with a footprint in South Africa but that are not registered on CSD and have not provided a SARS pin number) and local tenderers (that have not provided their SARS e-filing PIN number for verification by Eskom and/or their CSD profile / CSD number). Foreign suppliers with no footprint in South Africa must complete the SBD1 document; however, no proof of tax compliance is required.				✓
Compliance with Employment Equity Act	To the extent that the tenderer falls within the definition of a "designated Employer" as contemplated in the Employment Equity Act 55 of 1998, the tenderer is required to furnish the Employer with proof of compliance with the Employment Equity Act, including proof of submission of the Employment				✓

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	Equity report to the Department of Labour. (South African tenderers only)				
Non-disclosure agreement (NDA)	Submit completed and signed non-disclosure agreement (NDA).		✓		
MANDATORY CONTRACTUAL REQUIREMENTS SUPPORTING EVIDENCE *[applicable to all tenders]*					
Mandatory Contractual Requirement	**Proof of valid and current CSD Registration (CSD number/CSD Report)** **Eskom Health and Safety Requirements**				✓
Commercial statutory documents	Refer to **page 21 - 23** of this invitation for commercial statutory documents required for the scope of work				✓
DOCUMENTS REQUIRED UNDER FUNCTIONALITY/TECHINICAL CRITERIA					
Technical (required for functionality scoring)	**Mandatory Technical Requirement –** submit the requirement as explained on **page 10-13** of this document (non-submission will result in disqualification)	✓			

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ANNEXURE K – PRICE LIST

SAP no.	Description	Qty	Unit of measure	Unit price (Excluding VAT)	Total Price (Excluding VAT)
0750611	**BLDNG PREFBRCTD: GUARD HUT; ALUMINUM ZINC** Building, Prefabricated: Type: Guard Hut; Dimensions: Material: Aluminium Zinc Guard Hut 1 with a Veranda Size: 1.2m X 1.2m Hut with a 1.2m x1,2m Veranda **(Total Size 1.2m x 2.4m)** **Colour: Chalk Wall** (Off White) with a **Blue Roof** (Deep Ocean). **General information** • Wall height 2m. Roof height 2,4m • 2 opening glass windows – 600mm x 900mm • 1 fixed toughened window in door – 400mm x 600mm • Lockable Door – cylindrical door handle • Colorplus steel framed floor with shutter-board • 6 Adjustable legs • 6 Concrete blocks for Adjustable legs • Alububble in the roof (insulation) • Rubber flooring • 1 x 1.2m shelf (200mm wide) **Material:** Colorplus – Pre-painted Aluminium Zinc Coated Sheeting	10	**EA**		

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0750447	**BLDNG PREFBRCTD: GUARD HUT; ALUMINUM ZINC** Building, Prefabricated: Type: Guard Hut; Dimensions: Material: Aluminum Zinc; C/W Viranda **Guard Hut 2 With A Veranda** Size: 2.4m X 2.4m Hut with a 1.2m X 2,4m Veranda **(Total Size 2,4m X 3.6m)** **Colour: Chalk Wall** (Off white) with a **Blue Roof** (Deep Ocean). **General information** • Wall height 2m. Roof height 2,4m • 2 opening glass windows – 600mm x 900mm • 1 fixed toughened window in door – 400mm x 600mm • Lockable Door – cylindrical door handle • Colorplus steel framed floor with shutter-board • 10 Adjustable legs • 10 Concrete blocks for Adjustable legs • Alububble in the roof (insulation) • Rubber flooring • 1 x 2.4m shelf (200mm wide) • 1 x external extra door • 1 x frosted window • 2 x 1.2m partitions • 1 x ELECTRICS - DB Board /S/Socket, Euro two prong, 2 USB/2 Fluorescents (not connected to mains) **Material:** Colorplus – Pre-painted Aluminium Zinc Coated Sheeting	58			
Total Offered Price excluding Delivery cost and VAT					

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Delivery cost

LIMPOPO OPERATING UNIT (LOU) Guard Hut Size 2,4m X 3.6m					
Quantity (Number of Guard Hut)	**Delivery Location**	**Estimated Kilometres (KM) (The point of reference should be the Tenderer's location)**	**Unit of measure**	**Rate (Excl.VAT) per KM**	**Total Price (Excl. VAT) per delivery location**
2	Thomo & Giyani CNC		KM		
3	Polokwane CNC		KM		
1	Moletji CNC		KM		
1	Botlokwa CNC		KM		
1	Hlanganani CNC		KM		
2	Sibasa/Muledane CNC		KM		
2	Burgersfort and Steelpoort		KM		
1	Jane Furse CNC		KM		
2	Zebediela CNC and Lebowakgomo CNC		KM		
1	Marken CNC		KM		
1	Lephalale CNC		KM		
1	Thabazimbi CNC		KM		
1	Dwaalboom CNC		KM		
1	Bela Bela CNC.		KM		
1	Modimolle CNC		KM		
1	Mookgopong CNC		KM		
2	Mapela CNC		**KM**		

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1	Makhutswe CNC		**KM**		
2	Letaba CNC MEW Offices		**KM**		
Total delivery cost excluding VAT					

LIMPOPO OPERATING UNIT (LOU) Guard Hut Size 1.2m x 2.4m)					
Quantity (Number of Guard Hut)	**Delivery Location**	**Estimated Kilometres (KM) (The point of reference should be the Tenderer's location)**	**Unit of measure**	**Rate (Excl.VAT) per KM**	**Total Price (Excl. VAT) per delivery location**
1	Senwabarwana CNC		**KM**		
1	Gilead CNC		**KM**		
1	Letaba CNC		**KM**		
1	Bolobedu CNC		**KM**		
1	Fetakgomo CNC		**KM**		
1	Roossenekal CNC		**KM**		
1	Siloam CNC		**KM**		
1	Alldays CNC		**KM**		
1	Modimolle CNC		**KM**		
1	Northam CNC		**KM**		
Total delivery cost excluding VAT					

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MPUMALANGA OPERATING UNIT (MOU) Guard Hut Size 2,4m X 3.6m					
Quantity (Number of Guard Hut)	**Delivery Location**	**Estimated Kilometres (KM) (The point of reference should be the Tenderer's location)**	**Unit of measure**	**Rate (Excl.VAT) per KM**	**Total Price (Excl. VAT) per delivery location**
1	Kamhlushwa CNC		**KM**		
1	Jerusalem CNC		**KM**		
1	Malelane CNC		**KM**		
1	Ermelo CNC		**KM**		
1	Eerstehoek CNC		**KM**		
1	Elandsdoorn CNC		**KM**		
1	Delmas CNC		**KM**		
1	Carolina CNC		**KM**		
1	Zamekomst CNC		**KM**		
1	Volksrust CNC		**KM**		
1	Kwaggafontein CNC		**KM**		
1	8 Smuts Avenue Office		**KM**		
1	Figtree CNC		**KM**		
1	Kamhlushwa HUB		**KM**		
1	Buffelspruit CNC		**KM**		
1	Mkhuhlu CNC		**KM**		
1	Kiepersol CNC		**KM**		
1	Bushbuckridge CNC		**KM**		
1	Acornhoek CNC		**KM**		

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1	Thulamahashi CNC		**KM**		
1	Grootvlei CNC		**KM**		
1	Leslie CNC		**KM**		
1	Kabokweni CNC		**KM**		
1	Kanyamazane CNC		**KM**		
1	Mayflower CNC		**KM**		
1	Bethal CNC		**KM**		
1	Wildebees CNC		**KM**		
1	Machadodorp CNC		**KM**		
1	Lydenburg CNC		**KM**		
1	Sabie CNC		**KM**		
1	Churchill substation		**KM**		
Total delivery cost excluding VAT					

Offered delivery**:** Lead time: _____**weeks**

Tender Validity**: 180 days** accepted **Yes/No**

Signature of Tenderer**: .....**

Date**.....**

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ANNEXURE A

AUTHORISATION FORM

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

A COMPANY	B CLOSE CORPORATION	C PARTNERSHIP	D JOINT VENTURE	E SOLE PROPRIETOR	F TRUST

The *tenderer* must complete the appropriate certificate set out below for its category of organisation. If the *tenderer* is a company, close corporation, joint venture, or trust the *tenderer* must attach a certified copy the document that is proof of the contents of the certificate (resolution of the board of directors of a company, members' resolution of a close corporation, power of attorney in the case of a joint venture, or resolution of the board of trustees of a trust).
Note further that, in addition to completing the relevant certificate for category of organisation, the authorised representative of the *tenderer* is also required to complete and sign the table at the end of this Authorisation Form.

A. Certificate for company

I,_ _ _ _

B. Certificate for close corporation

I,_ _ _ _

D. Certificate for Joint Venture

We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorise Mr/Ms _, an authorised signatory of _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _

F. Certificate for trust

I,_ _ _ _

ANNEXURE B

ACKNOWLEDGEMENT FORM

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

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

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

Or: Incorrect or incomplete for the following reasons: ☐

_____

_____

_____

Cataloguing Acknowledgement:

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

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

_____

_____

_____

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

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Invitation to Tender/Request for Proposal No: _____

Name of Tenderer:_____

Country of registration: _____

Full names of contact person: _____

Contact details:

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

Name of tenderer:	
Full names of authorised signatory:	
Signature:	
Designation and capacity:	
Date:	

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ANNEXURE C

TENDERER'S PARTICULARS

The tenderer must furnish the following particulars where applicable:

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

Please complete the following:

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

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

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

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

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

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

3. Please note that it is not mandatory for you to be registered on National Treasury's CSD at the time of responding to this tender. It is, however, a mandatory requirement that you be registered on CSD prior to award.

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

5. If you are registered on SARS E-filing system, please provide your PIN number in order to verify your tax compliance status _____

6. If you are required to be tax compliant as per SBD 1 but are not registered on CSD (foreign suppliers) or have not provided your SARS E-filing PIN, please confirm that you have attached or will furnish a copy of a current valid tax compliance certificate as a tender returnable by contract award stage.

YES		NO	

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

7.1 Confirm if you intend sub-contracting

YES		NO	

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

7.3 To whom do you intend sub-contracting? _____

7.4 Is the said sub-contractor registered on CSD?

YES		NO	

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

7.6 Please confirm B-BBEE level of said sub-contractor_____

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

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

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

YES		NO	

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

YES		NO	

Name of tenderer:	
Full names of authorised signatory:	
Signature:	
Designation and capacity:	
Date:	

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ANNEXURE D

INTEGRITY DECLARATION FORM

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

1 DECLARATION OF INTEREST

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

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

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

Related:

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

(a) an individual is related to another individual if they-

(i) are married, or live together in a relationship similar to a marriage; or

(ii) are separated by no more than two degrees of natural or adopted consanguinity or affinity;

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(b) an individual is related to a juristic person if the individual directly or indirectly controls the juristic person, as determined in accordance with the definition of control as set out in subsection (2) below; and

(c) a juristic person is related to another juristic person if-

(i) either of them directly or indirectly controls the other, or the business of the other, as determined in accordance with subsection (2) below;

(ii) either is a subsidiary of the other; or

(iii) a person directly or indirectly controls each of them, or the business of each of them, as determined in accordance with subsection (2) below.

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

Control:

(2) For the purpose of subsection (1) above, a person controls a juristic person, or its business, if-

(a) in the case of a juristic person that is a company-

(i) that juristic person is a subsidiary of that first person, as determined in accordance with the Companies Act1; or

(ii) that first person together with any related or inter-related person, is-

(aa) directly or indirectly able to exercise or control the exercise of a majority of the voting rights associated with securities of that company, whether pursuant to a shareholder agreement or otherwise; or

(bb) has the right to appoint or elect, or control the appointment or election of, directors of that company who control a majority of the votes at a meeting of the board;

(b) in the case of a juristic person that is a close corporation, that first person owns the majority of the members' interest, or controls directly, or has the right to control, the majority of members' votes in the close corporation;

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(c) in the case of a juristic person that is a trust, that first person has the ability to control the majority of the votes of the trustees or to appoint the majority of the trustees, or to appoint or change the majority of the beneficiaries of the trust; or

(d) that first person has the ability to materially influence the policy of the juristic person in a manner comparable to a person who, in ordinary commercial practice, would be able to exercise an element of control referred to in paragraph *(a), (b)* or *(c)* of subsection (2).

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

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

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

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

If Yes, attach proof. to this declaration

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2 DECLARATION OF FAIR TENDERING PRACTICES

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

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

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

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

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

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3. DECLARATION OF SHAREHOLDING / BENEFICIARY INFORMATION

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

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

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

Individuals:

Full Name	Identity Number	Shareholding Percentage / Beneficiary Share

Other Entities*:

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

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

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

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

Name of Tenderer:	
Full names of authorised signatory:	
Signature:	
Designation and capacity:	
Date:	

<u>Joint Ventures</u>

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

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

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

Name of Tenderer:	
Full names of authorised signatory:	
Signature:	
Designation and capacity:	
Date:	

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ANNEXURE G1

SBD 6.2

DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS

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

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

1. General Conditions

1.1. Dtic makes provision for the promotion of local production and content.

1.2. Dtic prescribes that in the case of designated sectors, organs of state must advertise such tenders with the specific bidding condition that only locally produced or manufactured goods, with a stipulated minimum threshold for local production and content will be considered.

1.3. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.

1.4. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

LC = [1 - x / y] * 100

Where:
x is the imported content in Rand
y is the bid price in Rand excluding value added tax (VAT)
Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid as indicated in paragraph 4.1 below.

The SABS approved technical specification number SATS 1286:2011 is accessible on http:/www.thedti.gov.za/industrial development/ip.jsp at no cost.

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

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

Sector	Components	Local Content Threshold
Electrical Cables	Electrical Cables	90%
Steel Value-added Products	Fabricated Structural Steel	100%
	Frames	100%
	Roof and Cladding	100%
	Sheets	100%
	Reinforcing bars	100%
Cement	Masonry Cement	100%
Plastic Pipes	Polyvinyl chloride (PVC) pipes	100%

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

(*Tick applicable box*)

YES		NO	

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

The relevant rates of exchange information is accessible on www.reservebank.co.za

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

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

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

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

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

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

IN RESPECT OF BID NO. .....

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

1 The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.

2 Guidance on the Calculation of Local Content is accessible on http://www.thdti.gov.za/industrial development/ip.jsp.

3 Local Content Declaration Templates (Annex C, D and E) is attached to this Invitation to Tender and must be submitted at the stipulated deadline.

4 Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted at the stipulated deadline of the bid in order to substantiate the declaration made in paragraph (c) below.** Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

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

(a) The facts contained herein are within my own personal knowledge.

(b) I have satisfied myself that:

(i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and

(c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

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

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

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

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

SIGNATURE: _____ **DATE:** _____

WITNESS No. 1 _____ **DATE:** _____

WITNESS No. 2 _____ **DATE:** _____

Annexure G2 – Local Content Declaration - Summary Schedule (Annex C)

Adobe Acrobat Document

Annexure G3 – Imports Declaration – Supporting Schedule to Annex C (Annex D))

Adobe Acrobat Document

Annexure G4 – Local Content Declaration – Supporting Schedule to Annex C (Annex E)

Adobe Acrobat Document

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ANNEXURE H

SBD 1

PART A
INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (*NAME OF DEPARTMENT/ PUBLIC ENTITY*)					
BID NUMBER:	**E1529DXPMDR**	CLOSING DATE:	10 December 2026	CLOSING TIME:	**10h00am**
DESCRIPTION	The supply and delivery of prefabricated Guardhouses to various Eskom sites within the LimLanga Cluster				

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

Tenders are to be submitted electronically via Eskom E- tendering site by the stipulated closing date and time.

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO		TECHNICAL ENQUIRIES MAY BE DIRECTED TO:	
CONTACT PERSON	**Julia Mbowane**	CONTACT PERSON	**Julia Mbowane**
TELEPHONE NUMBER	**015 230 1699**	TELEPHONE NUMBER	**015 230 1699**
FACSIMILE NUMBER	**Not applicable**	FACSIMILE NUMBER	**Not applicable**
E-MAIL ADDRESS	**MbowanMJ@eskom.co.za**	E-MAIL ADDRESS	**MbowanMJ@eskom.co.za**

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				
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		**OR** CENTRAL SUPPLIER DATABASE No:	MAAA
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES OFFERED?	☐Yes ☐No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES OFFERED?	☐Yes ☐No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]	

QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS	
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	☐ YES ☐ NO
DOES THE ENTITY HAVE A BRANCH IN THE RSA?	☐ YES ☐ NO

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DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	☐ YES ☐ NO
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	☐ YES ☐ NO
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	☐ YES ☐ NO

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

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PART B
TERMS AND CONDITIONS FOR BIDDING

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 IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.**
1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
1.4. **THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).**
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 VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

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

SIGNATURE OF BIDDER: .....

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

DATE: .....

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ANNEXURE I

SBD 6.1

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

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

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

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1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and

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

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

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

(a) Price; and

(b) Specific Goals.

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

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	
SPECIFIC GOALS	
Total points for Price and SPECIFIC GOALS	**100**

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

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

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2. DEFINITIONS

(a) **"tender"** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;

(b) **"price"** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;

(c) **"rand value"** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

(d) **"tender for income-generating contracts"** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and

(e) **"the Act"** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 PREFERENCE POINT SYSTEMS

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

80/20

$$Ps = 80\left(1 - \frac{Pt - P\,min}{P\,min}\right)$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

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

3.2.1. POINTS AWARDED FOR PRICE

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

80/20

$$Ps = 80\left(1 + \frac{Pt - P\,max}{P\,max}\right)$$

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Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:

4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—

(a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or

(b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

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

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

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

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

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DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm…….

4.4. Company registration number: ……...

4.5. TYPE OF COMPANY/ FIRM

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

[TICK APPLICABLE BOX]

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

i) The information furnished is true and correct;

ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;

iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;

iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –

(a) disqualify the person from the tendering process;

(b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;

(c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;

(d) recommend that the tenderer or contractor, its shareholders and

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directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and

(e) forward the matter for criminal prosecution, if deemed necessary.

.....

SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME: .....

DATE: .....

ADDRESS: .....

.....

.....

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ANNEXURE J

SBD 4

TENDERER'S DISCLOSURE

1. PURPOSE OF THE FORM

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

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

2. TENDERER'S DECLARATION

2.1 Is the tenderer or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise, employed by the state?

[YES/NO]

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

Full Name	Identity Number	Name of State Institution

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

[YES/NO]

If so, furnish particulars:

……

……

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

[YES/NO]

If so, furnish particulars:

……

……

3. DECLARATION

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

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

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

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

3.4 **T**here have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the tender, tendering with the intention not to win the tender and conditions or delivery particulars of the products or services to which this tender invitation relates.

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3.5 The terms of the accompanying tender have not been, and will not be, disclosed by the tenderer, directly or indirectly, to any competitor, prior to the date and time of the official tender opening or of the awarding of the contract.

3.6 There have been no consultations, communications, agreements or arrangements made by the tenderer with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the tender submitted where so required by the institution, and the tenderer was not involved in the drafting of the specifications or terms of reference for this tender.

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

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

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

…… ……

Signature Date

…… ……

Position Name of bidder

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