ESKOM HOLDINGS SOC LTD

INVITATION TO TENDER

FOR

THE SUPPLY AND DELIVERY OF MAIN CONDENSER AND BFPT TUBES TO DUVHA POWER STATION.

<table>
<thead>
<tr>
<th>Tender number</th>
<th>MPGXC004647</th>
</tr>
</thead>
<tbody>
<tr>
<td>Issue date</td>
<td>26 May 2017</td>
</tr>
<tr>
<td>Closing date and time</td>
<td>21 June 2017 at 10h00</td>
</tr>
<tr>
<td>Tender validity period</td>
<td>120 days from the closing date and time</td>
</tr>
</tbody>
</table>

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

ESKOM TENDER BOX
GROUND FLOOR
NO.10 SMUTS AVENUE
WITBANK / EMALAHLENI
MPUMALANGA

GPS Co-ordinates:
Latitude:25.87723S
Longitude:29.21629E
Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a tender for the Supply and deliver Condenser and BFPT tubes

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

- Free of charge

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

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

Yours faithfully

[Signature]

Senior Advisor Procurement

Neo Mkhize

Date: 26/05/2017
Contents of Invitation to Tender documents

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

2. Evaluation process and criteria
   2.1 Basic Compliance
   2.2 Mandatory tender returnables
   2.3 Pre-qualification criteria (if applicable)
   2.4 Local content and production (applicable where designated materials are included)
   2.5 Functionality
   2.6 Financial evaluation
   2.7 Price and preference scoring
   2.8 Objective criteria (if applicable)

3. Condition of contract (see contract conditions attached)

4. Scope of work/Works Information/Employers Requirements (see Contract and applicable bond/guarantees attached)

5. Pricing data (See contract attached)

6. Annexures

<table>
<thead>
<tr>
<th>Number</th>
<th>Description</th>
<th>Annexure</th>
<th>Attached (Y/N)</th>
<th>Page no.</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.1</td>
<td>*Acknowledgement form</td>
<td>Annexure A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.2</td>
<td>*Tenderer's particulars</td>
<td>Annexure B</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.3</td>
<td>* Integrity Declaration Form (refer to <a href="http://www.eskom.co.za">www.eskom.co.za</a> for the Supplier Integrity Pact that suppliers are required to download and read)</td>
<td>Annexure C</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.4</td>
<td>CPA Requirements for Local (South African)</td>
<td>Annexure D</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.5</td>
<td>CPA(I(G) for Foreign Goods/services (if applicable)</td>
<td>Annexure E</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.6</td>
<td>Declaration Certificate for Local Production and Local Content (applicable if designated materials are included).</td>
<td>Annexure F</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Invitation to Tender

<table>
<thead>
<tr>
<th>Unique Identifier</th>
<th>240-114238630</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revision</td>
<td>Rev 2</td>
</tr>
<tr>
<td>Revision Date</td>
<td>April 2020</td>
</tr>
<tr>
<td>Group Technology and Commercial</td>
<td>MPGXC004647</td>
</tr>
</tbody>
</table>

#### 6.7 Acknowledgement of funding requirements (applicable for contracts with an estimated value of more than R30M inclusive of VAT)
- Annexure G

#### 6.8 Addenda acknowledgement form
- Annexure H

#### 6.9 Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE
- Annexure I

#### 6.10 TCC 001 Application for a Tax Clearance Certificate (as attached) must be filled out where there are Foreign suppliers with no footprint in RSA. It must then be emailed to GovernmentInstitute@sars.gov.za, and a copy of the said email requesting such certificate to be sent to the procurement practitioner as stipulated in the tender returnables.

1.2 The Tender Data makes several references to the Eskom Standard Conditions of Tender (refer to [www.eskom.co.za](http://www.eskom.co.za) for this document that suppliers are required to download and read). The clauses that apply specifically to this Invitation are referenced hereunder. The "Tender Data" shall take precedence over the Standard Conditions of Tender in the event of any ambiguity or inconsistency between the two documents.

<table>
<thead>
<tr>
<th>Clause Number from Standard Conditions of Tender</th>
<th>Tender Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1 Parties</td>
<td>The Employer is Eskom Holdings SOC Ltd</td>
</tr>
<tr>
<td></td>
<td>The Eskom Representative is:</td>
</tr>
<tr>
<td></td>
<td>Name: Neo Mashishi</td>
</tr>
<tr>
<td></td>
<td>Tel: 013 690 0221</td>
</tr>
<tr>
<td></td>
<td>E-mail: <a href="mailto:mashismn@eskom.co.za">mashismn@eskom.co.za</a></td>
</tr>
<tr>
<td>1.1 Eligible tenders</td>
<td>Tenderers are deemed ineligible to submit a tender if</td>
</tr>
<tr>
<td></td>
<td>• 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</td>
</tr>
</tbody>
</table>
conformity with the provisions of the laws of that country. This criterion shall also apply to the determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services.

- Tenderers submit more than one [tender/proposal] either individually or as a partner in a joint venture (JV) or consortium
- [Tenders/proposals] submitted by a JV or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms.
- A Tenderer must not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. A Tenderer may be considered to have a conflict of interest with one or more parties in this [tendering/RFP] process, if:
  o (a) they have a controlling partner/majority shareholder in common; or
  o (b) they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender/proposal of another Tenderer, or influence the decisions of the Employer regarding this bidding process;
- Tenders signed by non-authorised persons
- Where the tenderers are not registered on National Treasury's Central Supplier Database (except Foreign Suppliers)
- A tender that fails to meet any pre-qualifying criteria stipulated in the tender documents is an unacceptable
Invitation to Tender

<table>
<thead>
<tr>
<th>Unique Identifier</th>
<th>240-114238630</th>
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</tr>
<tr>
<td>Group Technology and Commercial</td>
<td></td>
</tr>
<tr>
<td>Enquiry no</td>
<td>MPGXC004647</td>
</tr>
</tbody>
</table>

- Any tenderer that is restricted by National Treasury

Ineligible tenderers will be disqualified.

| 1.3 Enquiry documents | The Invitation to tender number is: MPGXC004647  
See the content list above for the enquiry 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 the whole or parts of the tender | The tender shall be for the whole/parts of the contract. |
| 2.2 - 2.5 Tender Submission Information | The deadline for Tender submission is:  
Date 21 June 2017  
Time 10h00  
Late Tenders will not be accepted  
Tenders are to be submitted to the Eskom tender box at the following physical address:  
THE TENDER OFFICE  
ESKOM TENDER BOX  
GROUND FLOOR  
NO.10 SMUTS AVENUE  
WITBANK / EMALAHLENI  
MPUMALANGA |
| 2.8 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. |
| 2.9 Copy of original tender | The tenderer shall submit an original tender, plus 1 hard copy of the original tender.  
Where a Tenderer does not submit a complete hard copy of the original tender, the tenderer will be disqualified. |
<p>| 2.13 Tender Validity Period | The tender validity period is 120 days |</p>
<table>
<thead>
<tr>
<th>2.17 Site/clarification meetings</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.18 Clarification on enquiry documents</td>
<td>The tenderer will notify the Employer of any clarifications required before the closing time for clarification queries, which is 5 working days before the deadline for tender submission.</td>
</tr>
<tr>
<td>2.22 Conditions of contract</td>
<td>The conditions of contract will be the NEC 3 Supply Contract (SC)</td>
</tr>
<tr>
<td>2.24 Alternative tenders</td>
<td>Alternative tenders are <strong>not allowed</strong>. If Alternative tender(s) are allowed, it may be based only on the following criteria and subject to acceptance by the Employer: A different completion date. • A different payment method. • Different technical methods and specifications • A different main option and other combinations of secondary option clauses, acceptable to Eskom as the Employer, selected from the NEC Engineering and Construction Contract</td>
</tr>
<tr>
<td>2.31 Provision of security for performance</td>
<td>If security for performance (e.g. Performance Bond) is required, the names of two financial institutions that will be approached, must be submitted with the tender.</td>
</tr>
<tr>
<td>3.4 Opening of tenders</td>
<td>No public opening of tenders will be conducted</td>
</tr>
<tr>
<td>3.5 Prices to be read out</td>
<td>Prices will <strong>not be read out</strong>.</td>
</tr>
<tr>
<td>3.11 Basic Compliance</td>
<td>Basic compliance for this invitation to tender are: • Meet the eligibility criteria for a tenderer • Submit one copy of the original tender to Eskom • Submit a complete tender with commercial, financial and technical information • Submission of the list of mandatory commercial tender returnable as stated hereunder and as at stipulated deadlines. • Central Supplier Database (CSD) number (MAA.........)</td>
</tr>
</tbody>
</table>
### 3.12 Mandatory tender returnables

Mandatory tender returnables required for scoring are listed hereunder:

- Annexure A;
- Annexure B;
- Annexure C;
- Annexure H
- The submission of a Valid Tax Clearance Certificate is a mandatory pre-requisite for contract award; and
- The submission of JV Agreement is mandatory pre-requisite for contract award (if applicable).

### 3.13 Pre-qualification criteria

Pre-qualification criteria is applicable

The following mandatory pre-qualification criteria are applicable herein:-

- Only Tenderers who are BBBEE compliant Level 1-4 are eligible to tender.

Tenderers who do not meet the minimum pre-qualification criteria, will be deemed an unacceptable tender and be disqualified.

### 3.14 Designated material thresholds

Designated material thresholds is not applicable

### 3.15 Functional requirements

Functional requirements are applicable.

Note the requirements for technical functional scoring hereunder.

**Mandatory Technical Requirements**

NB NB!!! Kindly refer to the document named Retubing Tender Evaluation Strategy.

The minimum threshold is ≥70%. Should all tendered suppliers not obtain a minimum threshold of 70%, Eskom reserves the right to consider suppliers that obtained 65%-69% as well.
Refer to the List of Tender Returnables in the invitation to tender for mandatory items.

Tenders which do not meet the mandatory requirements will not be evaluated further.

<table>
<thead>
<tr>
<th>3.17 Evaluation of price</th>
<th>Prices will be evaluated as follows:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Inclusive of VAT</td>
</tr>
<tr>
<td></td>
<td>• Making the specified correction for arithmetical errors</td>
</tr>
<tr>
<td></td>
<td>• Excluding contingencies in any bill of quantities or activity schedule.</td>
</tr>
<tr>
<td></td>
<td>• Making an adjustment based on the application of the quantitative information entered by tenderers in the Contract Data provided by the Contractor to provisional amounts assessed by Eskom's Representative. A model tender assessment schedule suitable for use with Options A and B of the NEC Engineering and Construction Contract may be included in the tender returnables for this purpose.</td>
</tr>
<tr>
<td></td>
<td>• Making an appropriate adjustment for any other acceptable variations, deviations, loss evaluation or alternative tenders submitted.</td>
</tr>
<tr>
<td></td>
<td>• Making a comparison of the Net 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.</td>
</tr>
<tr>
<td></td>
<td>• Unconditional discounts must be taken into account for evaluation purposes;</td>
</tr>
<tr>
<td></td>
<td>• Conditional discounts must not be taken into account for evaluation purposes but should be implemented when payment is affected.</td>
</tr>
</tbody>
</table>

| 3.18 Scoring of Prices | Prices will be scored out of 80 or 90 points. |

<table>
<thead>
<tr>
<th>3.19 Scoring of B-BBEE</th>
<th>B-BBEE status will be scored out of 10 or 20 points in accordance with PPPFA. If a tenderer fails to submit proof of B-BBEE status level the tender will not be disqualified, but tenderer:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• May only score points out of 90/80 for price ; and</td>
</tr>
<tr>
<td></td>
<td>• Scores 0 points out of 10/20 for B-BBEE</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3.20 Ranking of suppliers</th>
<th>Suppliers will be ranked by applying the preferential point scoring based on the :</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Either 80/20 or 90/10 will apply should there be a degree of uncertainty on which PPPFA Point allocation system</td>
</tr>
</tbody>
</table>
### 3.21 Objective criteria (if applicable)

**Objective criteria is applicable**

The following objective criteria:

**Supplier Development and Localisation**

**Objective Criteria** (Non-weighted criterion)

The objective criteria for Supply and delivery of Condenser and BFPT Tubes are to advance participation of businesses that are BBBEE compliant Level 1-4.

- Eskom Prefers to do business with BBBEE compliance Level 1-4

**Corporate Social Investment (CSI)**

The Supplier is required to identify and fund a CSI projects at least 2% of the contract value as a direct beneficiation of the Local to Site Communities of Masakhane, Naledi and Lesedi.

Please note:-

- “Eskom reserves the right to award the tender to a supplier who may not be the highest scoring/highest ranked tenderer, in line with Section (2)(1)(f) of the PPPFA; subject to the right to negotiate on the objective criteria with the three preferred tenderers scoring the highest points (from first highest to third highest) 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.

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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 or 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.

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
(ii) Black people who are youth
(iii) Black people who are women
(iv) Black people with disabilities
(v) Black people living in rural or underdeveloped areas or townships
(vi) Cooperatives 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 subcontractors may be drawn by accessing the following link: www.csd.gov.za

1.3 TENDER RETURNABLES (refer to 2.8 above)
The tenderer must submit the returnables set out hereunder as part of its tender. (Mandatory returnables are indicated by a tick (√), and if they are not included by tender deadline, the tenders will be disqualified from further evaluation).

Documents preceded by * are not mandatory at tender returnable stage, and will not result in disqualification but will impact the scoring, and a zero will be allocated, if not submitted by tender deadline

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

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

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

<table>
<thead>
<tr>
<th>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</th>
<th>✓</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Annexure B</strong></td>
<td>Tenderers Particulars</td>
</tr>
<tr>
<td><strong>Annexure C</strong></td>
<td>Integrity Pact Declaration form</td>
</tr>
<tr>
<td><strong>Annexure D</strong></td>
<td>CPA for local goods/services</td>
</tr>
<tr>
<td><strong>Annexure E</strong></td>
<td>CPA(IG) for imported goods/services</td>
</tr>
<tr>
<td><strong>Annexure F</strong></td>
<td>Declaration certificate for local production and content and Local Content Declaration – (applicable where designated materials are included)</td>
</tr>
<tr>
<td><strong>Annexure H</strong></td>
<td>Confirmation of receipt of addenda to enquiry document</td>
</tr>
<tr>
<td><strong>Annexure I</strong> (applicable for Foreign suppliers with no footprint in RSA)</td>
<td>TCC 001 Application for a Tax Clearance Certificate (as attached) must be filled out and emailed to <a href="mailto:GovernmentInstitute@sars.gov.za">GovernmentInstitute@sars.gov.za</a>, and a copy of the said email requesting such certificate to be sent to the procurement practitioner as stipulated in the tender.</td>
</tr>
<tr>
<td><strong>Tax Clearance Certificates (Foreign suppliers with no footprint in RSA)</strong></td>
<td>Foreign suppliers with no footprint in RSA, are required to apply for tax clearance certificates as per TCC001 Application and once obtained must submit tax clearance certificate.</td>
</tr>
<tr>
<td><strong>Compliance with Employment Equity Act</strong></td>
<td>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)</td>
</tr>
<tr>
<td><strong>Financial statements</strong></td>
<td>Audited Financial Statements of the tenderer for the previous two financial years, or to the extent that such statements are not available, for the last year. Tenderers must note that in 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.</td>
</tr>
</tbody>
</table>

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240-114238630  Invite to tender for condenser and BFPT tubes  CONFIDENTIAL  TE – Group Technology & Commercial

Effective April 2017

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### DOCUMENTS REQUIRED UNDER OBJECTIVE CRITERIA

| Shareholding | Shareholding organogram /breakdown (for each individual company/JV member) clearly identifying percentages owned by individual shareholders (full names & ID Numbers) and other entities (provide full legal/trading name and respective identifying registration/trust numbers) | ✓ |
| NEC Documentation | Completed NEC pricing schedule and contract data | ✓ |

### DOCUMENTS REQUIRED FOR TECHNICAL UNDER FUNCTIONALITY

2.5 FUNCTIONALITY CRITERIA AND SUB-CRITERIA FOR TECHNICAL SCORING

The minimum threshold is ≥70%. Should all tendered suppliers not obtain a minimum threshold of 70%, Eskom reserves the right to consider suppliers that obtained 65%-69% as well.
Refer to the List of Tender Returnables in the invitation to tender for mandatory items.
Tenders which do not meet the mandatory requirements will not be evaluated further.

NB NB!!! Kindly refer to the document named Retubing Tender Evaluation Strategy.
ANNEXURE A

ACKNOWLEDGEMENT FORM Acknowledgement:

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 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/Request for Proposal No. [insert tender/RFQ number]

________________________________________________________________________

Name of company/JV: __________________________________________
Country of registration

Name of contact person:

Contact details of contact person:
Tel (landline)
Cell phone
E-mail address
ANNEXURE B

TENDERER'S PARTICULARS

The tenderer must furnish the following particulars where applicable:

<table>
<thead>
<tr>
<th>Indicate the type of tendering structure by marking with an 'X' (where applicable provide registration number):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individual tenderer</td>
</tr>
<tr>
<td>Unincorporated Joint venture (registration number for each member of the JV)</td>
</tr>
<tr>
<td>Incorporated JV</td>
</tr>
<tr>
<td>Other</td>
</tr>
</tbody>
</table>

Please complete the following:

<table>
<thead>
<tr>
<th>Name of lead partner/member in case of JV</th>
</tr>
</thead>
<tbody>
<tr>
<td>CIPC Registration Number (for each individual company / JV member)</td>
</tr>
<tr>
<td>VAT registration number (for each individual company / JV member)</td>
</tr>
<tr>
<td>CIDB registration number (for each individual company/JV member if applicable)</td>
</tr>
<tr>
<td>Shareholding information (for each individual company/JV member) clearly identifying percentages owned by individual shareholders (full names &amp; ID Numbers) and other entity shareholders (provide full legal/trading name and respective identifying registration/trust numbers)</td>
</tr>
<tr>
<td>Include as separate tender returnable if required.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Contact person</th>
</tr>
</thead>
<tbody>
<tr>
<td>Telephone number</td>
</tr>
<tr>
<td>E-mail address</td>
</tr>
<tr>
<td>Postal address (also of each member in the case of)</td>
</tr>
</tbody>
</table>
**Invitation to Tender**

**Unique Identifier**: 240-114238630

**Revision**: Rev 2

**Revision Date**: April 2020

**Group Technology and Commercial**

**Enquiry no**: MPGXC004647

---

**a JV**

<table>
<thead>
<tr>
<th>Physical address (also of each member of the JV)</th>
</tr>
</thead>
</table>

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

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

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240-114238630 Invite to tender for condenser and BFPT tubes CONFIDENTIAL TE – Group Technology & Commercial Effective April 2017
1. If you are currently registered as a vendor with Eskom, please provide your Vendor registration number with Eskom.

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

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

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

5. Alternatively, you may contact: Maluta Mukwevho.

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.

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

INTEGRITY DECLARATION FORM

(Form to be completed and signed by supplier/tenderer as Invitation to Tender/RFP returnable or as part of contract modification documentation)

1. DECLARATION OF INTEREST

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

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

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

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

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

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

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

2. DECLARATION OF FAIR TENDERING PRACTICES

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

A tender will be disqualified if the tenderer/s, or any of its directors have:
- abused the institution’s procurement process (e.g. bid rigging/collusion)
- committed fraud or any other improper conduct in relation to such system.

Please complete the declaration with an ‘X’ under YES or NO

240-114238630 Invite to tender for condenser and BFPT tubes CONFIDENTIAL TE – Group Technology & Commercial Effective April 2017

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### Invitation to Tender

<table>
<thead>
<tr>
<th>Item</th>
<th>Question</th>
<th>Yes/No</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1</td>
<td>Is the tenderer/s (or any of its directors/members/shareholders) listed on National Treasury’s Database of Restricted Suppliers as companies/persons prohibited from doing business with the public sector, or listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combatting of Corrupt Activities Act (No 12 of 2004)? The Database of Restricted Suppliers and the Register for Tender Defaulters can be accessed on the National Treasury’s website (<a href="http://www.treasury.gov.za">www.treasury.gov.za</a>).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.2</td>
<td>Was the tenderer/s (or any of its directors/members/shareholders) convicted by a court of law (including a court outside South Africa) for fraud and/or corruption with respect to the procurement/tendering processes/procedures during the past five years?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.2.1</td>
<td>Provide details.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.3</td>
<td>Was the tenderer/s (or any of its directors/members/shareholders) prohibited from doing business with any International Financial Development/funding Agency or Lending Institution</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

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

**Signature:**

**Designation and capacity in which signing:**

**Date:**

**Joint Ventures**

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

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

CPA (IG) REQUIREMENTS FOR FOREIGN GOODS AND SERVICES

CONTRACT PRICE ADJUSTMENT AND FOREX PAYMENTS – IMPORTATION

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

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

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

PART 1: PAYMENT OF FOREIGN COMMITMENTS

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

Payment Method 1:

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

Applicable (Y / N )

b) To a valid SARB approved CFC account in South Africa, in a foreign currency (payment will be made to the party and account nominated by the supplier in the contract, and not to any other party). Service related payments are excluded from this option;
Applicable (Y/N) or

Payment Method 2:

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

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

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

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

Eskom will require substantiating proof of importation at the time of invoicing, regardless of
which payment method is selected.

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

Provided that the tenderer nominates either Payment Method 1 or 2 as the main tender offer,
an alternative payment method offering a fixed price not subject to exchange variation may
be offered for Eskom’s consideration.

Where Payment Method 2 is used and the exchange rate variation is favourable to Eskom at
the date of payment, Eskom will debit the difference between the invoice value and the
amended value at the date of payment, based on the selling spot rate of exchange.
obtainable by Eskom's Treasury on the notified payment date.

PART 2: EXCHANGE RATES
The tenderer shall use the exchange rate as at the time of preparation of the tender and shall stipulate the date of the rate used in the tender.

Any request for a change of currency during contract execution, shall be substantiated by the requesting party and be mutually agreed by the parties to the contract. The requesting party shall be liable to absorb all related costs that Eskom has incurred, in relation to the affected portion, in securing the hedge, including any losses that Eskom may suffer as a result of cancellation of such forward cover;

Eskom must not be placed in a worse position than before the requested change, thus the Contractor will be paid in either:
- the rate at which the cover was cancelled, or
- The tendered rate of exchange.

PART 3: ADJUSTMENT OF IMPORTATION COSTS, ETC
The values in Rand included in the tender/contract price for the following costs shall be based on rates ruling for the month prior to the closing date of the tender and any variation in these rates applied to the value included in the tender price will be for Eskom's account.

<table>
<thead>
<tr>
<th></th>
<th>RATES/TARIFFS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sea/Air Freight</td>
<td></td>
</tr>
<tr>
<td>Bunker Adjustment Factor</td>
<td></td>
</tr>
<tr>
<td>Currency Adjustment Factor</td>
<td></td>
</tr>
<tr>
<td>Marine Risk Insurance (MRI) (Eskom will provide cover)</td>
<td></td>
</tr>
<tr>
<td>Rate for Extension of MRI after Arrival of Goods at Site (if required)</td>
<td>/month</td>
</tr>
<tr>
<td>Wharfage</td>
<td></td>
</tr>
</tbody>
</table>
PART 4: ADJUSTMENT OF OVERSEAS MANUFACTURE, EXPATRIATE LABOUR AND OTHER COSTS (To be read in conjunction with Eskom CPA Index)

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

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

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

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

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

4.1 MANUFACTURING CPA METHOD (LABOUR AND MATERIAL)

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

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

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

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

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

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

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

1 When the percentage increase or decrease between two indices/prices/tariffs is calculated, the earlier figure shall be taken as the base.

2 Where portions of the works are delivered at different times, contract price adjustments shall be made in respect of appropriate portions of the contract price.

3 Where the terms of payment of the contract allow progress payments, other than Eskom's standard payment terms, the agreed contract price adjustment method shall be applied to the value of such payment and to the date and level of completion to which payment is linked.

4 Where any figure given in a table is therein stated to be a provisional figure or is subsequently amended, the figure as ultimately confirmed or amended in the publication concerned shall apply.

5 Where the appropriate claim indices/prices, as defined in terms of the agreed formulae, are not available or are provisional, interim claims based on the last published confirmed or revised indices/prices as at the date of delivery/installation may be submitted. When the confirmed or revised index/price becomes available the final claim may be
submitted, provided that such claim is received within 180 days of the date of delivery/installation.

6 Where requested by Eskom the contractor shall submit publications showing base indices/prices/rates as they become available as well as updated values at three monthly intervals during the course of the contract.

7 Where it is considered necessary Eskom reserves the right to call for any documentary evidence to substantiate claims.

Closing date of tender  __________/_________/_________

TENDERER'S SIGNATURE __________________________
ANNEXURE F

DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT

Before completing this declaration, *tenderers* must study the General Conditions, Definitions, Directives applicable in respect of Local Content as prescribed in the Preferential Procurement Regulations, 2011 and the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:201x.

1. General Conditions

1.1. Preferential Procurement Regulations, 2011 (Regulation 9.(1) and 9.(3) make provision for the promotion of local production and content.

1.2. Regulation 9.(1) prescribes that in the case of designated sectors, where in the award of tenders local production and content is of critical importance, such tenders must be advertised with the specific tendering condition that only locally produced goods, services or works or locally manufactured goods, with a stipulated minimum threshold for local production and content will be considered.

1.3. Regulation 9.(3) prescribes that where there is no designated sector, a specific tender condition may be included, that only locally produced services, works or goods or locally manufactured goods with a stipulated minimum threshold for local production and content, will be considered.

1.4. Where necessary, for tenders referred to in paragraphs 1.2 and 1.3 above, a two stage tendering 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.

1.5. 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.

1.6. The local content (LC) as a percentage of the tender price must be calculated in accordance with the SABS approved technical specification number SATS 1286:201x as follows:

\[
LC = 1 - \left( \frac{x}{y} \right) \times 100
\]

Where
\[x\] imported content
\[y\] tender price 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, one week (7 calendar days) prior to the closing date of the tender as indicated in paragraph 4.1 below.

1.7. A tenderer will be disqualified if:

- the tender fails to achieve the stipulated minimum threshold for local production and content indicated in paragraph 3 below; and.
- this declaration certificate is not submitted as part of the tender documentation.

2. Definitions

2.1. “tender” includes advertised competitive offers, written price quotations or proposals;

2.2. “tender price” price offered by the tenderer, excluding value added tax (VAT);

2.3. “contract” means the agreement that results from the acceptance of a tender by an organ of state;

2.4. “designated sector” means a sector, sub-sector or industry that has been designated by the Department of Trade and Industry in line with national development and industrial policies for local production, where only locally produced services, works or goods or locally manufactured goods meet the stipulated minimum threshold for local production and content;

2.5. “duty sign” means a Declaration Certificate for Local Content that has been signed by the 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).

2.6. “imported content” means that portion of the tender price represented by the cost of components, parts or materials which have been or are still to be imported (whether by the supplier or its subcontractors) and which costs are inclusive of the costs abroad, plus freight and other direct importation costs, such as landing costs, dock duties, import duty, sales duty or other similar tax or duty at the South African port of entry;

2.7. “local content” means that portion of the tender price which is not included in the imported content, provided that local manufacture does take place;

2.8. “stipulated minimum threshold” means that portion of local production and content as determined by the Department of Trade and Industry; and
2.9. "sub-contract" means the primary contractor's assigning, leasing, making out work to, or employing another person to support such primary contractor in the execution of part of a project in terms of the contract.

3. The stipulated minimum threshold(s) for local production and content for this tender is/are as follows:

[Procurement Practitioners to complete this portion]

<table>
<thead>
<tr>
<th>Description of services, works or goods</th>
<th>Stipulated minimum threshold</th>
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4. Does any portion of the services, works or goods offered have any imported content?

Indicate with an ‘X’.

YES  NO

4.1 If yes, the rate(s) of exchange to be used in this tender to calculate the local content as prescribed in paragraph 1.6 of the general conditions must be the rate(s) published by SARB for the specific currency at 12:00 on the date, one week (7 calendar days) prior to the closing date of the tender.

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:

<table>
<thead>
<tr>
<th>Currency</th>
<th>Rates of exchange</th>
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</thead>
<tbody>
<tr>
<td>US Dollar</td>
<td></td>
</tr>
<tr>
<td>Pound Sterling</td>
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<tr>
<td>Euro</td>
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<tr>
<td>Yen</td>
<td></td>
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<tr>
<td>Other</td>
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</tbody>
</table>

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