ESKOM HOLDINGS SOC LTD

INVITATION TO TENDER

FOR

THE DESIGN AND CONSTRUCTION OF OFFICE PAVING, 54 (FIFTY FOUR) STANDARD COVERED PARKING BAYS, 2 (TWO) DISABLED COVERED PARKING BAYS AND LANDSCAPING FOR THE TUTUKA POWER STATIONS CONSTRUCTION MANAGEMENT DEPARTMENT (CMD) SITE OFFICES

<table>
<thead>
<tr>
<th>Tender number</th>
<th>MPPPSC001065</th>
</tr>
</thead>
<tbody>
<tr>
<td>Issue date</td>
<td>17 July 2017</td>
</tr>
<tr>
<td>Closing date and time</td>
<td>04 September 2017 at 10:00</td>
</tr>
<tr>
<td>Tender validity period</td>
<td>12 weeks from the closing date and time</td>
</tr>
<tr>
<td>Clarification meeting</td>
<td>26 July 2017 at 10h00, venue is Tutuka Power Station, R38 Bethal/Standerton Outside Conference Centre East Gate</td>
</tr>
<tr>
<td>Tenders are to be delivered to the following address on the stipulated closing date and time:</td>
<td>ESKOM HOLDINGS SOC LIMITED THE TENDER OFFICE 10 SMUTS AVENUE EMALAHLENI/ WITBANK 1035</td>
</tr>
</tbody>
</table>
Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a tender for The design and construction of office paving, 54 (fifty four) standard covered parking bays, 2 (two) disabled covered parking bays and landscaping for the Tutuka Power Stations Construction Management department (CMD) site offices.

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

- Free of charge

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

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

Yours faithfully

_______________________________________
Procurement Manager
Pamela Cele
Date: 17 July 2017
Contents of Invitation to Tender/Enquiry 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
   2.4 Local content and production (applicable where designated materials included)
   2.5 Functionality
   2.6 Financial evaluation
   2.7 Price and preference scoring
   2.8 Objective criteria

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</td>
<td>Annexure C</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(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></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.4</td>
<td>CPA Requirements for Local (South African) (if applicable)</td>
<td>Annexure D</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.5</td>
<td>CPA(IG) for Foreign Goods/services (if applicable)</td>
<td>Annexure E</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
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<td></td>
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</tr>
<tr>
<td>6.6</td>
<td>Declaration Certificate for Local Production and Local Content (when designated materials are included). See also the Guidelines attached to complete the form.</td>
<td>Annexure F</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.7</td>
<td>Acknowledgement of funding requirements (Only if applicable)</td>
<td>Annexure G</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.8</td>
<td>Addenda acknowledgement form</td>
<td>Annexure H</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.9</td>
<td>Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE [Please note – this is only required for services type of contracts. The Evaluation pack to be attached (Msword and Excel document from Hyperwave)]</td>
<td>N</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.10</td>
<td>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 <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 returnables.</td>
<td>Annexure I N</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
1.2 The Tender Data makes several references to the Eskom Standard Conditions of Tender (refer to www.eskom.co.za for this document that 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 <strong>Eskom Holdings SOC Ltd</strong>&lt;br&gt;The Eskom Representative is:&lt;br&gt;Name: <strong>Simon Ndlakuse</strong>&lt;br&gt;Tel: 017 749 9265&lt;br&gt;E-mail: <a href="mailto:TutukaCMDProcurementSupport@eskom.co.za">TutukaCMDProcurementSupport@eskom.co.za</a></td>
</tr>
</tbody>
</table>
| 1.1 Eligible tenders                             | Tenderers are deemed **ineligible** to submit a **tender** if<ol><li>Tenderers have the nationality of a country on any international sanctions list. A tenderer shall be deemed to have the nationality of a country if the tenderer is a national or is constituted, incorporated, or registered and operates in conformity with the provisions of the laws of that country. This criterion shall also apply to the determination of the nationality of proposed subcontractors or suppliers for any part of the Contract including related services.</li><li>Tenderers submit more than one tender either individually or as a partner in a joint venture (JV) or consortium</li><li>Tenders submitted by a JV or consortium where the JV/consortium agreement does not explicitly state that the parties of the JV or consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms.</li><li>A Tenderer shall not have a conflict of interest. All Tenderers found to have a conflict of interest shall be
A Tenderer may be considered to have a conflict of interest with one or more parties in this tendering process, if:

- (a) they have a controlling partner/majority in common; or
- (b) they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender of another Tenderer, or influence the decisions of the Employer regarding this bidding process;

- Tenders signed by non-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 tender (section 4 (2) of PPPFA Regulations
- Any tenderer that is restricted by National Treasury

Ineligible tenderers will be disqualified.

| 1.3 Enquiry documents | The Invitation to tender number is: **MPPPSC001065**
|  | 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/reject a tender | The tender shall be for the whole of the contract. |
| 2.2-2.5 Tender Submission Information | The deadline for **Tender** submission is:  
|  | Date 04 September 2017  
|  | Time 10h00  
|  | Late Tenders will not be accepted  
|  | Addressed: Tenders are to be submitted to the Eskom tender box at the following physical address: |
| THE TENDER OFFICE  
| ESKOM HOLDINGS SOC LIMITED  
| THE TENDER OFFICE  
| 10 SMUTS AVENUE  
| EMALAHLENI/ WITBANK  
| 1035 |

2.8 Mandatory tender returnables  
See below list of Tender Returnables, some of these are mandatory at the Tender deadline, and others required later. The tenderer will be disqualified if the mandatory returnables are not submitted on/before the tender 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 copy of the original tender, the tenderer will be disqualified.

2.13 Tender Validity Period  
The tender validity period is 12 weeks

2.17 Site/clarification meetings  
A clarification meeting with representatives of the Employer will take place as follows:  
Date: 26 July 2017  
Time: 10h00  
Venue: Tutuka Power Station, R38 Bethal/Standerton Outside Conference Centre East Gate  
Tenderers must confirm their intention to attend with the Eskom Representative stating the name, position and contact details of each proposed attendee.  

Please note that if the tender stipulates that a site/clarification meeting is mandatory/compulsory; then suppliers must attend such meeting. Those suppliers who do not attend such mandatory/compulsory meeting will be disqualified and will not be evaluated further.

2.18 Clarification on enquiry documents  
The tenderer will notify the Employer of any clarifications required before the closing time for clarification queries, which is three (3) working days before the deadline for tender submission.

2.22 Conditions of contract  
The conditions of contract will be the NEC3 ECSC

2.24 Alternative tenders  
Alternative tenders are not allowed

2.31 Provision of security for performance  
N/A

3.4 Opening of tenders  
Tenders will be opened at the same date and time as the tender
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<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:</td>
</tr>
<tr>
<td></td>
<td>• Meet the eligibility criteria for a tenderer</td>
</tr>
<tr>
<td></td>
<td>• Submit one copy of the original tender to Eskom</td>
</tr>
<tr>
<td></td>
<td>• Submit a complete tender with commercial, financial and technical information</td>
</tr>
<tr>
<td></td>
<td>• Submission of the list of mandatory commercial tender returnables as stated hereunder</td>
</tr>
<tr>
<td></td>
<td>• Central Supplier Database (CSD) number (MAA……..)</td>
</tr>
<tr>
<td>3.12 Mandatory tender returnables</td>
<td>Tenderers who do not submit these mandatory tender returnables will be disqualified</td>
</tr>
<tr>
<td></td>
<td>• ECSA Professional Registration as PR Eng. For Design Engineering</td>
</tr>
<tr>
<td></td>
<td>Tenderers who do not submit these mandatory tender returnables as at the stipulated submission deadlines will be disqualified.</td>
</tr>
<tr>
<td>3.13 Pre-qualification criteria</td>
<td>Level 1 – 3 EME/Level 1 QSE</td>
</tr>
<tr>
<td></td>
<td><strong>In addition the following should be submitted:</strong></td>
</tr>
<tr>
<td></td>
<td>• B-BBEE certificate/ Letter from accountants/B-BBEE affidavit (on official DTI Template) confirming that they are EME (Level 1-3)/QSE (Level 1) entities; in addition the following is to be submitted:</td>
</tr>
<tr>
<td></td>
<td>• Supplier/ Contractors shall submit certified copies of CIPRO/CIPC registration documents;</td>
</tr>
<tr>
<td></td>
<td>• Certified Identity Documents(s) of the company shareholders; and</td>
</tr>
<tr>
<td></td>
<td>• Certified copy of Share certificates</td>
</tr>
<tr>
<td>3.14 Designated material thresholds</td>
<td>N/A</td>
</tr>
<tr>
<td>3.15 Functional requirements</td>
<td>Functional requirement are applicable</td>
</tr>
<tr>
<td></td>
<td><strong>Note the requirements for technical functional scoring are covered under section 2.5 Criteria for technical scoring</strong></td>
</tr>
<tr>
<td>3.17 Evaluation of price</td>
<td>Prices will be evaluated as follows:</td>
</tr>
<tr>
<td></td>
<td>• Inclusive of VAT</td>
</tr>
<tr>
<td></td>
<td>• Making the specified correction for arithmetical errors</td>
</tr>
</tbody>
</table>
- Excluding contingencies in any bill of quantities or activity schedule.
- Making an adjustment based on the application of the quantitative information entered by tenderers in the Contract Data provided by the Contractor to provisional amounts assessed by Eskom’s Representative. A model tender assessment schedule suitable for use with Options A and B of the NEC Engineering and Construction Contract may be included in the tender returnables for this purpose.
- Making an appropriate adjustment for any other acceptable variations, deviations, loss evaluation or alternative tenders submitted.
- Making a comparison of the Nett Present Value of each adjusted tender based on the tendered programme (if provided) and prices, on the estimated effect of Price Adjustment Factors and rate of exchange fluctuations (if applicable) and on other evaluation parameters relating to uncertainty and risk.
- Unconditional discounts must be taken into account for evaluation purposes;
- Conditional discounts must not be taken into account for evaluation purposes but should be implemented when payment is affected.

<table>
<thead>
<tr>
<th>3.18 Scoring of Prices</th>
<th>Prices will be scored out of 80.</th>
</tr>
</thead>
</table>
| 3.19 Scoring of B-BBEE | B-BBEE status will be scored out of 20 points in accordance with PPPFA. If a tenderer fails to submit proof of B-BBEE status level the tender will not be disqualified, but tenderer:
  - May only score points out of 80 for price ; and
  - Scores 0 points out of 20 for B-BBEE |
| 3.20 Ranking of suppliers | Suppliers will be ranked by applying the preferential point scoring based on the 80/20 (for estimate value from R30 000-R50M inclusive of VAT). |
| 3.21 Objective criteria | The following will be objective criteria:
  1. Safety requirements
  2. Quality requirements
  3. Planning requirements |
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.

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).

[Please insert a tick in the “mandatory returnables column” where applicable for items already listed hereunder. Other “returnables” may be included, and may also be indicated by a tick in the “mandatory returnables column”, where applicable].

[Where documents are required under “pre-qualification criteria”, a tick should be inserted in the “to be returned before tender submission deadline” column]

[Where documents are required under “objective criteria”, a tick should be inserted in the “to be returned before contract award” column]

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 tenderer’s particulars) and such documents can be verified on CSD.

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

**Unique Identifier**: 240-114238630  
**Revision**: Rev 2  
**Revision Date**: April 2020  
**Commercial Division**:  
**Enquiry no**: MPPPSC001065

<table>
<thead>
<tr>
<th>Reference</th>
<th>Returnables from supplier</th>
<th>Mandatory returnables to be returned by tender deadline</th>
<th>To be returned before contract award</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Annexure A</strong></td>
<td>Acknowledgement Form</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td><strong>Annexure B</strong></td>
<td>Tenderers Particulars</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td><strong>Annexure C</strong></td>
<td>Integrity Pact Declaration form</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td><strong>Annexure D</strong></td>
<td>CPA for local goods/services (if applicable)</td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Annexure E</strong></td>
<td>CPA(IG) for imported goods/services (if applicable)</td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Annexure F</strong></td>
<td>Declaration certificate for local production and content</td>
<td></td>
<td>✓</td>
</tr>
</tbody>
</table>

**Additional Documents required in event of JV:-**

- Letter of intent to form a JV/consortium
- Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios.
- Written confirmation that the joint venture will operate as a single business entity for the duration of the contract (this may be included as an obligation within the JV agreement)
- *A valid B-BBEE Verification Certificate confirming the B-BBEE status for the joint venture as a single entity where incorporated, or as a group structure, where unincorporated
- 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

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240-114238630  Invite to tender CONFIDENTIAL  Commercial Division  
Effective July 2016  
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## Annexure G
Letter of acknowledgment of funding requirements

- **[only for contracts > R300M where applicable]**

### N/A

## Annexure H
Confirmation of receipt of addenda to enquiry document

### ✔

## Annexure I (applicable for Foreign suppliers with no footprint in RSA)
TCC 001 Application for a Tax Clearance Certificate (as attached) must be filled out and 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..

### N/A

## Tax Clearance Certificates (Foreign suppliers with no footprint in RSA)
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.

### N/A

## Tax Questionnaire
Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE [only in the case of services contracts]

### N/A

## Sub-contracting agreement/ intent
Tenderers must, where subcontracting is a prequalification requirement, submit proof of subcontracting arrangement between the main tenderer and the subcontractor. Proof of subcontracting arrangement may include a subcontracting agreement between main tenderer and subcontractor.

### N/A

## 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)

### ✔

## Financial statements
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

### ✔
**Invitation to Tender**

**Unique Identifier**: 240-114238630

**Revision**: Rev 2

**Revision Date**: April 2020

**Commercial Division**

**Enquiry no**: MPPSC001065

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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.

**CIDB**

Valid certificate or proof of CIDB (Construction Industry Development Board) Registration grading level 4 in Civil Engineering (CE)/General Building (GB) or high as per the grading specified in the Tender Data. (where applicable)  

- [X]

**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)  

- [X]

**NEC/FIDIC Documentation**

Completed NEC pricing schedule and contract data  

- [X]

**Additional documents required (ECSA/SACPCMP/CVs/permits/licenses/ specific registration documents)**

N/A

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**DOCUMENTS REQUIRED UNDER OBJECTIVE CRITERIA**

<table>
<thead>
<tr>
<th>Safety</th>
<th>COIDA - Original certificate of good standing or proof of application issued by the Compensation Fund (COID) or a licensed compensation insurer (South African tenderers only)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>[X]</td>
</tr>
</tbody>
</table>

**Other safety documents as required per scope of works**

- SHE Competency
- Baseline Risk Assessment
- H&S costing
- Health and Safety Plan
- Acknowledgement of Eskom rule and requirements
- Valid Letter of Good Standing
- Medical Certificates
- SHE Policy signed by CEO/MD

- [X]

**Skills Development / job creation / industrialization etc(if applicable)**

SD&L matrix/requirements as per enquiry  

- [X]

**Local Content to South Africa**

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Local Content</th>
<th>Eskom Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Content SA</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>
Failure to meet the local production and Content target will not result in elimination, as construction of car – parking and landscaping is not part of the designated sectors, however if Eskom target is met then it will become a contractual obligation.

**Corporate Social Investment (Not a weighted criterion)**

The tenderer is required to submit CSI proposal to value to at least 2% or more of the contract value as a direct benefit to Local to site communities.

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Expected CSI %</th>
<th>Eskom Targets</th>
<th>Tenderers Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>CSI</td>
<td>2%</td>
<td>2%</td>
<td></td>
</tr>
</tbody>
</table>

**Job Creation**

Tenderers should indicate the number of jobs created as a result of the contract. Furthermore, all semi-skilled employees required for this project shall be sourced from the Local to site communities on Lekwa Local Municipality.

**Quality Requirements**

- Quality Management System Requirements ISO 9001:2008;
- Evidence of QMS in operation (Tender Quality Requirements - Ref QM-58);
- Contract Quality Plan Requirements (Ref QM-58);
- Quality Control Plan Requirements (Ref QM-58) and
- User defined additional Requirements & miscellaneous (Ref QM-58).

**Environmental**

- Documents required as per scope of work

**DOCUMENTS REQUIRED FOR TECHNICAL UNDER FUNCTIONALITY**

- Technical (required for functionality scoring): Refer to Annexure 1
2.5 FUNCTIONALITY CRITERIA FOR TECHNICAL SCORING

<table>
<thead>
<tr>
<th>Functionality Criteria</th>
<th>Maximum number of points percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Engineering</td>
<td>100%</td>
</tr>
<tr>
<td>Overall minimum threshold for functionality to</td>
<td>70%</td>
</tr>
<tr>
<td>proceed to the next phase</td>
<td></td>
</tr>
</tbody>
</table>

Tenderers who do not meet the threshold for technical scoring will be disqualified.
ANNEXURE A

ACKNOWLEDGEMENT FORM Acknowledgement:

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

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

Correct as stated in the Invitation to Tender 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. ☐

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: _________________
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>
</table>

<table>
<thead>
<tr>
<th>CIPC Registration Number (for each individual company / JV member)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>VAT registration number (for each individual company / JV member)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>CIDB registration number (for each individual company/JV member if applicable)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>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)</th>
</tr>
</thead>
</table>

Include as separate tender returnable if required.
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>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>CIPC Registration number</td>
<td></td>
</tr>
<tr>
<td>VAT registration number</td>
<td></td>
</tr>
<tr>
<td>CIDB Registration number (if applicable)</td>
<td></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>
<td></td>
</tr>
<tr>
<td>Proposed Scope of work to be done by sub-contractor</td>
<td></td>
</tr>
<tr>
<td>Contact person</td>
<td></td>
</tr>
<tr>
<td>Telephone number</td>
<td></td>
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<tr>
<td>Fax number</td>
<td></td>
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<tr>
<td>E-mail address</td>
<td></td>
</tr>
<tr>
<td>Postal address</td>
<td></td>
</tr>
</tbody>
</table>
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:

   Name: Maluta Mukwevho
   Designation: Senior Advisor – Vendor Management
   Contact: (013) 693 2520
   Date: ________________

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: ____________________
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>
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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>
</tr>
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<tbody>
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</tr>
</tbody>
</table>

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

________________________

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

________________________

2. DECLARATION OF FAIR TENDERING PRACTICES

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

A tender will be disqualified if the tenderer/s, or any of its directors have:
- abused the institution’s procurement process (e.g. bid rigging/collusion)
- committed fraud or any other improper conduct in relation to such system.
Please complete the declaration with an ‘X’ under YES or NO

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

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

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

Signature:

Designation and capacity in which signing:

Date:
Joint Ventures
I, the undersigned, _______________________________ (insert the full legal name of the JV) 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 _______________________________.

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

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 D

CPA REQUIREMENTS FOR LOCAL GOODS AND SERVICES (SOUTH AFRICA)

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

This Section will not be applicable to professional services contract

1. APPLICATION OF CPA

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

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

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

2. TENDER SUBMISSIONS

Tenderers shall comply with the following requirements:

a. Main offer:

• A Main Offer that is fully compliant with the CPA requirements as specified in the Enquiry.

• This condition is mandatory unless a fully fixed priced offer is submitted. If more than one offer is submitted, then the fully CPA compliant offer must be indicated as the Main Offer.

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

b. Additional/Alternative offer:

Additional offers, which are optional, will only be considered if a fully compliant main offer is submitted and acceptable:

• A fixed priced offer in addition to the fully CPA compliant main offer; or

• Any other offer with CPA specifications which deviate from the CPA requirements specified in the enquiry. However it is compulsory that all such deviations are sufficiently substantiated.
Additional/Alternative Offers must be clearly indicated as such

3. **ESKOM’S PRESCRIBED INDEX LIST**

Eskom’s prescribed index list is set out hereunder in Tables 1 and 2. The index list comprises indices that are to be used in the Tenderers main offer.

4. **FOREIGN PORTION OF THE TENDER/AGREEMENT PRICE**

In instances where the prescribed index list does not specify a foreign index which is required for the specific agreement, the following must apply:

- The source of an index must be that of the national statistical institute of the relevant country or a generally acknowledged statistical (e.g. industry) body in or for that country, e.g. BEAMA and MEPS.
- The index must be the equivalent, or if unavailable, the nearest equivalent index to that of the specific prescribed local index.

5. **NUMBER OF FORMULAE & INDICES**

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

6. **CPA FIXED PORTION**

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

7. **BASE DATE**

- In instances of indices or other references published monthly, the Base Date is to be: *The month before the month in which the Enquiry closes*
- In instances where the reference figures, e.g. market prices, are published daily or at more intervals than once a month:
The average for the month before the month in which the Enquiry closes

- In this case, the following shall apply:
  - Where the average is published:
    The average published price in the currency Eskom will be exposed to. e.g. The currency in which Eskom will effect payment
  - Where a high, low and mean are published:
    The mean
  - Where other prices than the Cash Settlement or Cash Sellers Price are published:
    The Cash Settlement or Cash Sellers Price

- Where applicable, these principles, must also apply for the CPA “cut-off” date.

8. CPA FOR PROFESSIONAL SERVICES

The preferred index to be used for adjusting these agreements is the country specific CPI Headline index.

The price adjustment factor will be effective from each contractual anniversary of the base date. This must be the average of the country specific CPI Headline index figures published for the last twelve month period (cycle) ending before the contract anniversary date.

No fixed portion is mandatory.

Signed

Date

Name

Position

Tenderer

Table 1: Prescribed Local Index List

<table>
<thead>
<tr>
<th>Labour</th>
<th>Commodities</th>
<th>Processed material</th>
<th>Transport</th>
<th>Others</th>
</tr>
</thead>
</table>

---
### Table 2: Prescribed Foreign Index List

Note: Only Eskom acceptable international currencies can be used for tender purposes and the indices to be used will be linked to these currencies.

<table>
<thead>
<tr>
<th>Labour</th>
<th>Commodities</th>
<th>Processed material</th>
<th>Transport</th>
<th>Others</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Statistical Institute, Country-specific general labour index</td>
<td>MEPS, Country-specific general steel index</td>
<td>National Statistical Institute, Country-specific mechanical engineering</td>
<td>National Statistical Institute, Country-specific general</td>
<td>National Statistical Institute, Country-specific CPI (Headline)</td>
</tr>
<tr>
<td>Material</td>
<td>Transport Cost Index</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>----------</td>
<td>----------------------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LME, Copper</td>
<td>National Statistical Institute, Country-specific PPI</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LME, aluminium</td>
<td>National Statistical Institute, Country-specific electrical engineering material</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LME, zinc</td>
<td>National Statistical Institute, Country-specific building and construction material</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LME, lead</td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

Closing date of tender  __________/__________/_____

TENDERER’S SIGNATURE ______________________________
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>RATES/TARIFFS</th>
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</thead>
<tbody>
<tr>
<td>Sea/Air Freight</td>
</tr>
<tr>
<td>Bunker Adjustment Factor</td>
</tr>
<tr>
<td>Currency Adjustment Factor</td>
</tr>
<tr>
<td>Marine Risk Insurance (MRI) (Eskom will provide cover)</td>
</tr>
<tr>
<td>Rate for Extension of MRI after Arrival of Goods at Site (if required) /month</td>
</tr>
<tr>
<td>Wharfage</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Commercial Division</th>
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<tbody>
<tr>
<td>Enquiry no MPPPSC001065</td>
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</table>

<table>
<thead>
<tr>
<th>Effective July 2016</th>
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</thead>
<tbody>
<tr>
<td>Page 35 of 45</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

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Effective July 2016

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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.

<table>
<thead>
<tr>
<th>Closing date of tender</th>
<th><strong><strong><strong><strong><strong>/</strong></strong></strong></strong></strong>/_______</th>
</tr>
</thead>
<tbody>
<tr>
<td>TENDERER’S SIGNATURE</td>
<td>______________________________</td>
</tr>
</tbody>
</table>

240-114238630 Invite to tender CONFIDENTIAL Commercial Division

Effective July 2016
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. **“duly 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>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>____________________________%</td>
</tr>
<tr>
<td></td>
<td>____________________________%</td>
</tr>
<tr>
<td></td>
<td>____________________________%</td>
</tr>
</tbody>
</table>

4. Does any portion of the services, works or goods offered have any imported content?

Indicate with an ‘X’.

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
</table>

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>
</tr>
</thead>
<tbody>
<tr>
<td>US Dollar</td>
<td></td>
</tr>
<tr>
<td>Pound Sterling</td>
<td></td>
</tr>
<tr>
<td>Euro</td>
<td></td>
</tr>
<tr>
<td>Yen</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
</tr>
</tbody>
</table>

NB: Tenderers must submit proof of the SARB rate(s) of exchange used.
LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSO

IN RESPECT OF TENDER No.: [●]

ISSUED BY: Eskom Holdings SOC Ltd

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

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

(a) The facts contained herein are within my own personal knowledge; and
(b) I have satisfied myself that the goods/services/works to be delivered in terms of the above-specified tender comply with the minimum local content requirements as specified in the tender, and as measured in terms of SATS 1286; and
(c) The local content has been calculated using the formula given in clause 3 of SATS 1286, the rates of exchange indicated in paragraph 4.1 above and the following figures:

<table>
<thead>
<tr>
<th>Tender price, excluding VAT (y) R</th>
<th>Imported content (x) R</th>
<th>Stipulated minimum threshold for Local content (paragraph 3 above)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local content %, as calculated in terms of SATS 1286</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

If the tender is for more than one product, a schedule of the local content by product shall be attached.

(d) I accept that Eskom has the right to request that the local content be verified in terms of the requirements of SATS 1286; and
(e) I understand that the awarding of the tender 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, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 13 of the Preferential Procurement Regulations, 2011 promulgated under the Policy Framework Act (PPFA), 2000 (Act No. 5 of 2000).

SIGNATURE: __________________________ DATE: __________

WITNESS No. 1 __________________________ DATE: __________

WITNESS No. 2 __________________________ DATE: __________
LETTER OF ACKNOWLEDGMENTS OF FUNDING REQUIREMENTS (IF APPLICABLE)

[●] (Insert Name of Project)
[●] (Insert Invitation to Tender Number)

ACKNOWLEDGEMENT OF FUNDING REQUIREMENTS

To: Eskom Holdings SOC Ltd

We confirm having read the contents of the tender documents including the clause on the Employer’s funding requirements.

We accordingly support the following funding with our tender *(indicate the selected option with a tick)*:

ECA: (YES/NO) __________________(
*If yes, then complete the Sourcing Profile Matrix set out below*)

Own in-house funding (Supplier funding) (YES/NO): __________________
*If yes, indicate maximum amounts per currency*

None: (YES/NO):

**Sourcing Profile Matrix:**

Indicate on the table below the countries wherefrom the goods and services will be sourced and the percentage (%) in relation to total tendered value in South Africa Rand (ZAR).

<table>
<thead>
<tr>
<th>Sourcing Country</th>
<th>Percentage (%) sourced based on the tendered ZAR value</th>
<th>Tendered Currency Code</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<tr>
<td></td>
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</tbody>
</table>

*(Add additional lines if required)*
CONFIRMATION OF RECEIPT OF ADDENDA TO THE ENQUIRY

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

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

(Attach additional pages if more space is required)

Name and Designation

_____________________________________________________________________________

Signature