ESKOM HOLDINGS SOC LTD

INVITATION TO TENDER

FOR

FUEL OIL PLANT MAINTENANCE FOR MAJUBA POWER STATION

<table>
<thead>
<tr>
<th>Tender number</th>
<th>MPGXC004736</th>
</tr>
</thead>
<tbody>
<tr>
<td>Issue date</td>
<td>17 July 2017</td>
</tr>
</tbody>
</table>
| Closing date and time       | Date: 31 August 2017  
Time: 10 am |
| Tender validity period      | 8 weeks days from the closing date and time |
| Clarification meeting       | Date: 01 August 2017  
Time 10 am  
Venue: Majuba Power Station, |
| Tenders are to be delivered to the following address on the stipulated closing date and time: | Tender Centre  
No.10 Smuts Avenue  
Witbank / Emalahleni  
Mpumalanga  
1035 |

Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a tender for the fuel oil plant maintenance for Majuba Power Station.

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

Tina Bezuidenhout
Procurement Manager
Date: 18/07/2017
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
   2.4 Functionality
   2.5 Financial evaluation
   2.6 Price and preference scoring
   2.7 Objective criteria

3. **Condition of contract** (see contract conditions attached)

4. **Scope of work** (See contract 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>6.8</td>
<td>*Addenda acknowledgement form</td>
<td>Annexure H</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</td>
<td>Annexure I</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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 <em>Employer</em> is Eskom Holdings SOC Ltd</td>
</tr>
<tr>
<td></td>
<td>The Eskom <em>Representative</em> is:</td>
</tr>
<tr>
<td></td>
<td>Name: Hlengiwe Sithole</td>
</tr>
<tr>
<td></td>
<td>Tel: 017 799 2180</td>
</tr>
<tr>
<td></td>
<td>E-mail: <a href="mailto:SitholHZ@eskom.co.za">SitholHZ@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 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.</td>
</tr>
<tr>
<td></td>
<td>• Tenderers submit more than one tender either individually or as a partner in a joint venture (JV) or consortium</td>
</tr>
<tr>
<td></td>
<td>• 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.</td>
</tr>
</tbody>
</table>
• 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-authorized persons

• Where the tenderers are not registered on National Treasury’s Central Supplier Database (except Foreign Suppliers)

• A tender that fails to meet any pre-qualifying criteria stipulated in the tender documents is an unacceptable tender (section 4 (2) of PPPFA Regulations

• Any tenderer that is restricted by National Treasury

Ineligible tenderers will be disqualified.

1.3 Enquiry documents
The Invitation to tender number is: MPGXC004736
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 of the contract.
## 2.2 - 2.5 Tender Submission Information

The deadline for Tender submission is:
- **Date:** 31 August 2017
- **Time:** 10AM

Late Tenders will not be accepted

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

**THE TENDER OFFICE**  
Tender Centre  
No.10 Smuts Avenue  
Witbank / Emalahleni  
Mpumalanga  
1035

## 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 original tender plus hard copy of the original tender, the tenderer will be disqualified.

## 2.13 Tender Validity Period

The tender validity period is 8 weeks

## 2.17 Site/clarification meetings

A clarification meeting/site visit with representatives of the **Employer** will take place as follows:
- **Date:** 01 August 2017
- **Time:** 10 am
- **Venue:** Majuba Power Station

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

**Clarification/ Site visit is not compulsory.**

## 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 5 working days before the deadline for tender submission.

## 2.22 Conditions of contract

The conditions of contract will be the **NEC3**

## 2.24 Alternative tenders

Alternative tenders are **not allowed**
3.4 Opening of tenders

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

3.5 Prices to be read out

Prices will be read out.

3.11 Basic Compliance

A four stage evaluation process will be conducted. Basic compliance, functionality, Financial – Price and PPPFA scoring.

**STEP 1 - BASIC COMPLIANCE**

Basic compliance for this invitation to tender are:

- Meet the eligibility criteria for a tenderer
- Submit one copy of the original tender to Eskom
- Submission of the list of mandatory commercial tender returnable as stated hereunder and as at stipulated deadlines.
- Central Supplier Database (CSD) number (MAA........)

3.12 Mandatory tender returnables

Mandatory tender returnables required for scoring are listed hereunder. 

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

- Functionality
- SD&L - A minimum of 30% subcontracting

3.15 Functional requirements

Functional requirements

Note the requirements for technical functional scoring hereunder.

**STEP 2 FUNCTIONAL ANALYSIS**

<table>
<thead>
<tr>
<th>Pre-Approval</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>The contractor is pre-approved by Eskom to perform fuel oil maintenance service on Eskom plant</td>
<td>20</td>
</tr>
<tr>
<td>Contractors waiting for approval and due for assessment</td>
<td>10</td>
</tr>
</tbody>
</table>
Relevant work experience

<table>
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<tr>
<th>Points</th>
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</thead>
<tbody>
<tr>
<td>Minimum of three years' experience working with fuel oil burner system</td>
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</tbody>
</table>

Tenderers will be evaluated on their ability to provide technical expertise required

### Supervisors

<table>
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<tr>
<th>Points</th>
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</thead>
<tbody>
<tr>
<td>Key persons as Per Eskom Job Description for Supervisor: National Diploma Mechanical, 3 years or more</td>
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</tbody>
</table>

### Artisans

<table>
<thead>
<tr>
<th>Points</th>
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</thead>
<tbody>
<tr>
<td>Key persons as Per Eskom Job Description for Artisans: Grade 12 or N4 with Trade test (NQF Level Equivalent) 3 years experience or more</td>
</tr>
</tbody>
</table>

### Site Manager

<table>
<thead>
<tr>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Diploma (Technical) and 3 years of experience</td>
</tr>
</tbody>
</table>
3.17 Evaluation of price

STEP 3 (FINANCIAL EVALUATION - PRICE)

Prices will be evaluated as follows:

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

**STEP 4 PPPFA Scoring**

Prices will be scored out of 80 points

### 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 estimated values above R50M inclusive of VAT) or
- 80/20 or 90/10 will apply should there be a degree of uncertainty on which PPPFA Point allocation system will apply; the lowest acceptable tender will be used to determine the applicable applicable preference system

### 3.21 Objective criteria (if applicable)

**Objective criteria**

The following objective criteria:

1. Safety requirements
2. Quality requirements
3. Other SD&L Requirements

**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.
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 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 requested 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>Additional Documents required in event of JV:-</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>
</tbody>
</table>

240-114238630 Invite to tender/ Request for proposal (RFP) CONFIDENTIAL TE - Group Technology & Commercial Effective April 2017
<table>
<thead>
<tr>
<th>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)</th>
<th>✓</th>
</tr>
</thead>
<tbody>
<tr>
<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>
</tr>
<tr>
<td>Details and confirmation of a single designated bank account in the name of the JV and independent of the individual JV partners, as set out in the joint venture agreement</td>
<td>✓</td>
</tr>
</tbody>
</table>

### Annexure B
- Tenderers Particulars

### Annexure C
- Integrity Pact Declaration form

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

### 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.

### 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 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.

### 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
**NEC/FIDIC Documentation**
Completed NEC/FIDIC pricing schedule and contract data

**original tender, plus 1 hard copy of the 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 original tender plus hard copy of the original tender, the tenderer will be disqualified.

**DOCUMENTS REQUIRED UNDER OBJECTIVE CRITERIA**

**Safety**
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)

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

**Skills Development / job creation / industrialization etc(if applicable)**
As per attached SD&L document

**Quality Documents**
Documents as required per scope of work

**Environmental documents**
Documents required as per scope of work
2.5 FUNCTIONALITY CRITERIA AND SUB-CRITERIA FOR TECHNICAL SCORING

<table>
<thead>
<tr>
<th>Criteria that will be used to score each tender:</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Functionality</td>
<td>100%</td>
</tr>
<tr>
<td>Threshold</td>
<td>80%</td>
</tr>
</tbody>
</table>

Tenderers who do not meet the threshold for functionality scoring will be disqualified and not be evaluated further.
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/RFP 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>Contact person</td>
</tr>
</tbody>
</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>
</tr>
</thead>
<tbody>
<tr>
<td>CIPC Registration number</td>
</tr>
<tr>
<td>VAT registration number</td>
</tr>
<tr>
<td>CIDB Registration number (if applicable)</td>
</tr>
<tr>
<td>Shareholding organogram /breakdown (for each individual company/JV member) clearly identifying percentages owned by individual shareholders (full names &amp; ID Numbers) and other entities (provide full legal/trading name and respective identifying registration/trust numbers)</td>
</tr>
<tr>
<td>Proposed Scope of work to be done by sub-contractor</td>
</tr>
<tr>
<td>Contact person</td>
</tr>
<tr>
<td>Telephone number</td>
</tr>
<tr>
<td>Fax number</td>
</tr>
<tr>
<td>E-mail address</td>
</tr>
<tr>
<td>Postal address</td>
</tr>
</tbody>
</table>
1. If you are currently registered as a vendor with Eskom, please provide your Vendor registration number with Eskom. ________________

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

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

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

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

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>
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<tbody>
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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

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 this person involved in the evaluation/adjudication/negotiation of tenders</th>
</tr>
</thead>
<tbody>
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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/proposal] 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>
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<tr>
<td>1.2.1</td>
<td>Provide details.</td>
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<tr>
<td>1.3</td>
<td>Was the tenderer/s (or any of its directors/members/shareholders) prohibited from doing business with any International Financial Development/funding Agency or Lending Institution</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

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

Signature:

Designation and capacity in which signing:

Date:

Joint Ventures

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

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

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:

  o 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*

  o Where a high, low and mean are published:
    *The mean*

  o 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 - this list of indices needs to be relevant to the commodity. Buyers need to check and include the relevant indices.

<table>
<thead>
<tr>
<th>Labour general (hourly paid)</th>
<th>Commodities</th>
<th>Processed material</th>
<th>Transport</th>
<th>Others</th>
</tr>
</thead>
<tbody>
<tr>
<td>SEIFSA, C3, actual labour cost</td>
<td>Steel</td>
<td>Mechanical engineering material</td>
<td>SEIFSA, L2, road freight costs</td>
<td>StasSA, PO141 CPI (Headline)</td>
</tr>
<tr>
<td></td>
<td>StatsSA, P1215102, basic iron and steel</td>
<td>SEIFSA, G, mechanical engineering</td>
<td>OR</td>
<td>SEIFSA, D-1</td>
</tr>
<tr>
<td>Labour general</td>
<td>material</td>
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<tr>
<td>SEIFSA, C3 (a), actual labour cost (field force) where subsistence allowance is paid</td>
<td>Electrical engineering material</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aluminium</td>
<td>SEIFSA, G, electrical engineering material</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Aluminium, SEIFSA, R, aluminium</td>
<td>Building and construction material</td>
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<tr>
<td>Zinc</td>
<td>SEIFSA, G, building and construction material</td>
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<tr>
<td>Lead</td>
<td>SEIFSA, F, lead</td>
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</tbody>
</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 material</td>
<td>National Statistical Institute, Country-specific general transport cost index</td>
<td>National Statistical Institute, Country-specific CPI (Headline)</td>
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<td>National Statistical Institute, Country-specific PPI</td>
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<tr>
<td>LME, Copper</td>
<td>National Statistical Institute, Country-specific electrical engineering material</td>
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<tr>
<td>LME, aluminium</td>
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<tr>
<td>LME, zinc</td>
<td>National Statistical Institute, Country-specific building and construction material</td>
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<tr>
<td>LME, lead</td>
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</tbody>
</table>

Closing date of tender: __________/________/________

TENDERER'S SIGNATURE: ____________________________
ANNEXURE H

CONFIRMATION OF RECEIPT OF ADDENDA TO THE ENQUIRY

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

<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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<td>5.</td>
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<td>6.</td>
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</table>

(Attach additional pages if more space is required)

Name and Designation

_________________________
Signature
Please note:

Transporting of Staff

The Contractor must use transportation sourced from the Dr Pixley Ka Seme local taxi association.

Supplier Development and Localisation Requirements

The Contractor recruits 100% of all new recruits, of general labour from Dr Pixley Ka Seme local municipality, using the recruitment form provided by the department of labour. Contact details and application forms will be provided by the Service Manager on request.

In an event that new recruits are not from the defined Dr Pixley Ka Seme municipality, the contractor needs to provide proof that the local municipality could not provide such individual.

The contractor needs to update the employer as well as the department of labour, in the event that there is a change in the staff compliment e.g. dismissal, resignation, etc.

The contractor submits an updated monthly job statistics on the 1st day of each month, using the reporting template that is provided by the Service Manager.