ESKOM HOLDINGS SOC LTD

INVITATION TO TENDER

FOR

Cleaning of Ash Spillage at Hendrina Power Station and surrounding areas, and Cooling Towers Offline Maintenance

<table>
<thead>
<tr>
<th>Tender number</th>
<th>MPGXC005000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Issue date</td>
<td>10 January 2018</td>
</tr>
<tr>
<td>Closing date and time</td>
<td>26 February 2018 at 10h00</td>
</tr>
<tr>
<td>Tender validity period</td>
<td>60 days from the closing date and time</td>
</tr>
<tr>
<td>Clarification meeting</td>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

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

THE TENDER OFFICE (24 HOUR TENDER BOX)  
GROUND FLOOR  
NO.10 SMUTS AVENUE  
WITBANK / EMALAHLENI  
MPUMALANGA

NOTE TO TENDERERS:

This invitation to tender calls for entities that are Level 1 - 4 only.

Tenderers which fail to submit proof of the required B-BBEE level of contribution will NOT qualify for further evaluation.

240-114238630 Invite to tender
Page 2 of 27
PUBLIC
TE – Group Technology & Commercial
Effective July 2016
Invitation to Tender

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a tender for the Cleaning of Ash Spillage at Hendrina Power Station and surrounding areas and Cooling Towers Offline Maintenance.

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

Thamsanda Maguni
Procurement Manager (Acting)

Date: 09/01/2018
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 Functionality
   2.4 Financial evaluation
   2.5 Price and preference scoring
   2.6 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>
</tr>
</thead>
<tbody>
<tr>
<td>6.1</td>
<td>*Acknowledgement form</td>
<td>Annexure A</td>
<td>Y</td>
</tr>
<tr>
<td>6.2</td>
<td>*Tenderer's particulars</td>
<td>Annexure B</td>
<td>Y</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>Y</td>
</tr>
<tr>
<td>6.4</td>
<td>CPA Requirements for Local (South African) (if applicable)</td>
<td>Annexure D</td>
<td>Y</td>
</tr>
<tr>
<td>6.5</td>
<td>SBD 1 Form</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.6</td>
<td>SBD 6.1 Form</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
1.2 TENDER DATA

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 Eskom Holdings SOC Ltd</td>
</tr>
<tr>
<td></td>
<td>The Eskom Representative is:</td>
</tr>
<tr>
<td></td>
<td>Name: Mluleki Sishi</td>
</tr>
<tr>
<td></td>
<td>Tel: 013 296 3952</td>
</tr>
<tr>
<td></td>
<td>E-mail: <a href="mailto:SishiM@eskom.co.za">SishiM@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/proposal] 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 shall 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 process, if:
  - (a) they have a controlling partner in common; or
  - (b) they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender of another Tenderer, or influence the decisions of the Employer regarding this bidding process;
- Tenders signed by non-authorized persons. Ineligible tenderers will be disqualified.

1.3 Enquiry documents

The Invitation to tender number is: MPGXC005000
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: 26 February 2018
Time: 10:00 am

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 (24 HOUR TENDER BOX)
GROUND FLOOR
NO.10 SMUTS AVENUE
WITBANK / EMALAHLENI
MPUMALANGA
### 2.8 Mandatory tender returnables

See below list of Tender Returnables, some of these are mandatory at the Tender 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, 1 hard copy and a USB of the original tender.

Where a Tenderer does not submit a complete copy of the original tender and a USB, the tenderer will be disqualified.

### 2.13 Tender Validity Period

The tender validity period is 60 days.

### 2.17 Site/clarification meetings

Not Applicable.

### 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 14 February 2018.

### 2.22 Conditions of contract

The conditions of contract will be the NEC3 Term Service Short Contract.

### 2.24 Alternative tenders

Alternative tenders are not allowed.

### 2.31 Provision of security for performance

If security for performance (e.g. Performance Bond) is required, the names of two financial institutions that will be approached must be submitted with the tender.

### 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 not be read out.

### 3.11 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
- Submit a complete tender with commercial, financial and technical information
- Submission of the list of mandatory commercial tender returnables as stated hereunder

### 3.12 Mandatory tender returnables

Mandatory tender returnables required for scoring are listed hereunder.

Tenderers who do not submit these mandatory tender returnables will be disqualified.
### 3.15 Functional requirements
Note the requirements for technical functional scoring hereunder

### 3.17 Evaluation of price
Prices will be evaluated as follows:
- Making the specified correction for arithmetical errors
- Excluding contingencies in any bill of quantities or activity schedule.
- Making an appropriate adjustment for any other acceptable variations, deviations, loss evaluation or alternative tenders submitted.
- Making a comparison of the Net Present Value of each adjusted tender based on the tendered programme (if provided) and prices, on the estimated effect of Price Adjustment Factors and rate of exchange fluctuations (if applicable) and on other evaluation parameters relating to uncertainty and risk.

### 3.18 Scoring of Prices
Prices will be scored out of 80.

### 3.19 Scoring of B-BBEE
B-BBEE status will be scored out of 20 in accordance with PPPFA.

### 3.20 Ranking of suppliers
Suppliers will be ranked by applying the preferential point scoring based on the 80/20 principle.

### 3.21 Objective criteria
The following will be objective criteria:

1. SHEQ Requirements
2. B-BBEE Certificate
3. Financial Analysis
1.3 **TENDER RETURNABLES** (refer to 2.7 & 3.12 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 and has provided a valid registration number as required in Annexure B (the tenderer’s particulars)

<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>Annexure A</td>
<td>Acknowledgement Form</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Letter of intent to form a JV/consortium</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Valid joint venture agreement confirming the rights and obligations of each of the joint venture partners and their profit-sharing ratios.</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td></td>
<td>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)</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Additional Documents required in event of JV:-</td>
<td>*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</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td></td>
<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>
<td></td>
</tr>
<tr>
<td>Annexure B</td>
<td>Tenderers Particulars</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Annexure C</td>
<td>Integrity Pact Declaration form</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Annexure D</td>
<td>CPA for local goods/services</td>
<td>✓</td>
<td></td>
</tr>
</tbody>
</table>
**Tax Clearance**

**Tax Clearance certificate (can be obtained from SARS offices or from the Tax Certificate System (TCS) online) if the tenderer qualifies as a VAT vendor. Tenderers should note that the Employer will only pay VAT against presentation of a valid, original tax invoice and to the extent that VAT is payable in connection with the required scope. Foreign suppliers with no footprint in RSA, must contact SARS Offices.**

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*B-BBEE Certificates /Preference points claim form*

*B-BBEE Certificates /Preference points claim form in terms of the Preferential Procurement Regulations 2011 (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)*

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**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)

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**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.

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**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)

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**SBD 1 Form**

**SBD 6.1 Form**
### DOCUMENTS REQUIRED UNDER OBJECTIVE CRITERIA

<table>
<thead>
<tr>
<th>Category</th>
<th>Document Description</th>
<th>Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Safety</td>
<td>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)</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Annexure B - Acknowledgement Form for Eskom SHE Rules and other Requirements</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>OHS plan</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>SHE Costing</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Baseline Risk Assessment</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>SHE policy signed by CEO/ MD</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>SHE Competency</td>
<td>✓</td>
</tr>
<tr>
<td>SD&amp;L</td>
<td>See “SD&amp;L Requirements” document attached</td>
<td>✓</td>
</tr>
<tr>
<td>Quality</td>
<td>See “Quality Requirements” document attached</td>
<td>✓</td>
</tr>
<tr>
<td>Environmental</td>
<td>Environmental Questionnaire</td>
<td>✓</td>
</tr>
</tbody>
</table>

### DOCUMENTS REQUIRED FOR TECHNICAL UNDER FUNCTIONALITY

<table>
<thead>
<tr>
<th>Category</th>
<th>Document Description</th>
<th>Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Technical</td>
<td>Refer to “Technical Evaluation Criteria” document attached</td>
<td>✓</td>
</tr>
</tbody>
</table>

2.5 **Eskom reserves the right to:**

- Cancel this tender or any part thereof at any time.
- Modify this tender or any part thereof at any time.
- Exit or terminate the enabling agreement or any part thereof at any time.
- Contact any supplier during the evaluation process, in order to clarify any information, without informing any other supplier.
- Audit the contracts from time to time.
- Eskom reserves the right to make a selection solely on the information received in the tenders or to enter into negotiations with any one or more suppliers.
- Eskom reserves the right to award a tender to the highest scoring tenderer.
### 2.6 Functionality Criteria for Technical Scoring

<table>
<thead>
<tr>
<th>CRITERIA</th>
<th>POINTS</th>
<th>APPLICABLE TENDER RETURNABLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Technical Knowledge</td>
<td>75</td>
<td></td>
</tr>
<tr>
<td>List of Machinery to be used</td>
<td>25</td>
<td>List of Machinery to be used</td>
</tr>
<tr>
<td>Detailed Method Statement/Alternative Method</td>
<td>20</td>
<td>Detailed Method Statement</td>
</tr>
<tr>
<td>Quality Control Plan/Quality Inspection Plan</td>
<td>15</td>
<td>Quality Control Plan/Quality Inspection Plan</td>
</tr>
<tr>
<td>Asbestos handling certificate</td>
<td>15</td>
<td>Asbestos handling certificate</td>
</tr>
<tr>
<td><strong>Safety Adherence</strong></td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>Safety Officer CV (qualified to be a safety officer)</td>
<td>7.5</td>
<td>Safety Officer CV</td>
</tr>
<tr>
<td>Responsible Person CV, minimum of 2 years' experience in industrial field, with at least Senior Certificate.</td>
<td>7.5</td>
<td>Responsible Person CV</td>
</tr>
<tr>
<td><strong>Similar Works</strong></td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>1 Contracts Of Similar Work</td>
<td>5</td>
<td>1 Contracts Of Similar Work</td>
</tr>
<tr>
<td>References</td>
<td>5</td>
<td>References</td>
</tr>
<tr>
<td><strong>Minimum Qualifying score</strong></td>
<td>70</td>
<td></td>
</tr>
<tr>
<td><strong>Total Score</strong></td>
<td>100</td>
<td></td>
</tr>
</tbody>
</table>
ANNEXURE A

ACKNOWLEDGEMENT FORM

Invitation to Tender No. MPGXC005000

Name of company/JV:

Country of registration:

Name of contact person:

Contact details of contact person:
Tel (landline) :
Cell phone :
e-mail address :

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]

□

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 : ______________________

B. Joint Ventures

We, the undersigned, are submitting this tender in Joint Venture and hereby authorise Mr/Ms ________________________________ (full names), an authorised signatory of ________________________________, (insert the full legal name of the business entity serving as the lead partner) acting in the
capacity of lead partner, to sign all documents in connection with the tender and any contract resulting from it on our behalf.

We attach to this Schedule a copy of the joint venture agreement which incorporates a statement that all partners are liable jointly and severally for the execution of the contract and that the lead partner is authorised to incur liabilities, receive instructions and payments and be responsible for the entire execution of the contract for and on behalf of any and all the partners.

<table>
<thead>
<tr>
<th>Legal Name of Joint Venture Member</th>
<th>Full Name and Capacity of Authorised Signatory</th>
<th>Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## Annexure B

### Tenderer’s Particulars

The tenderer must furnish the following particulars where applicable:

Indicate the type of tendering structure by marking with an ‘X’ (where applicable provide registration number):

<table>
<thead>
<tr>
<th>Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individual tenderer</td>
<td></td>
</tr>
<tr>
<td>Unincorporated Joint venture (registration number for each member of the JV)</td>
<td></td>
</tr>
<tr>
<td>Incorporated JV</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
</tr>
</tbody>
</table>

Please complete the following:

<table>
<thead>
<tr>
<th>Field</th>
<th>Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of lead partner/member in case of JV</td>
<td></td>
</tr>
<tr>
<td>CIPC Registration Number (for each individual company / JV member)</td>
<td></td>
</tr>
<tr>
<td>VAT registration number (for each individual company / JV member)</td>
<td></td>
</tr>
<tr>
<td>CIDB registration number (for each individual company / JV member if applicable)</td>
<td></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>
<td>Include as separate tender returnable if required.</td>
</tr>
<tr>
<td>Contact person</td>
<td></td>
</tr>
<tr>
<td>Telephone number</td>
<td></td>
</tr>
<tr>
<td>E-mail address</td>
<td></td>
</tr>
<tr>
<td>Postal address (also of each member in the case of a JV)</td>
<td></td>
</tr>
<tr>
<td>Physical address (also of each member of the JV)</td>
<td></td>
</tr>
</tbody>
</table>
If subcontractors are to be used, indicate the following for the main sub-contractor(s). Add to the list of applicable.

<table>
<thead>
<tr>
<th>Name of contractor</th>
<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>
</tr>
<tr>
<td>Fax number</td>
<td></td>
</tr>
<tr>
<td>E-mail address</td>
<td></td>
</tr>
<tr>
<td>Postal address</td>
<td></td>
</tr>
<tr>
<td>Physical 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 [•] [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].

Name: __________________________

Designation: ____________________

Signature: _______________________

Date: ___________________________
ANNEXURE C

INTEGRITY DECLARATION FORM

(Form to be completed and signed by supplier/tenderer as Invitation to Tender 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 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 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.

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

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

2. DECLARATION OF FAIR TENDERING PRACTICES

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

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

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</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
(including a court outside South Africa) for fraud and/or corruption with respect to the procurement/tendering processes/procedures during the past five years?

1.2.1 Provide details.

1.3 Was the tenderer/s (or any of its directors/members/shareholders) prohibited from doing business with any International Financial Development/funding Agency or Lending Institution?

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

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

<table>
<thead>
<tr>
<th>Signature:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Designation and capacity in which signing:</td>
</tr>
<tr>
<td>Date:</td>
</tr>
</tbody>
</table>

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
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 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.)
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

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

240-114238630 Invite to tender

PUBLIC

TE – Group Technology & Commercial

Effective July 2016
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>
</tr>
<tr>
<td>LME, Copper</td>
<td></td>
<td>National Statistical Institute, Country-specific mechanical engineering material</td>
<td>National Statistical Institute, Country-specific transport cost index</td>
<td>National Statistical Institute, Country-specific PPI</td>
</tr>
<tr>
<td>LME, aluminium</td>
<td></td>
<td>National Statistical Institute, Country-specific electrical engineering material</td>
<td>National Statistical Institute, Country-specific transport cost index</td>
<td>National Statistical Institute, Country-specific PPI</td>
</tr>
<tr>
<td>LME, zinc</td>
<td>National Statistical Institute, Country-specific building and construction material</td>
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<tr>
<td>-------------------</td>
<td>----------------------------------------------------------------------------------</td>
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<tr>
<td>LME, lead</td>
<td></td>
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</tbody>
</table>

Closing date of tender

TENDERER'S SIGNATURE