ESKOM HOLDINGS SOC LTD

INVITATION TO TENDER

FOR

Tripper car drive system upgrade at Kriel Power Station for a period of 12 months

<table>
<thead>
<tr>
<th>Tender number</th>
<th>MPGXC005755</th>
</tr>
</thead>
<tbody>
<tr>
<td>Issue date</td>
<td>02 September 2019</td>
</tr>
<tr>
<td>Closing date and time</td>
<td>17 October 2019 at 10h00</td>
</tr>
<tr>
<td>Tender validity period</td>
<td>60 days from the closing date and time</td>
</tr>
</tbody>
</table>

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

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

GPS Co-ordinates:
Latitude: 25.87723S
Longitude: 29.21629E

Compulsory Tender Clarification Meeting and Site Inspection –

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

<table>
<thead>
<tr>
<th>Date: 18 September 2019</th>
<th>Time: 09:00 AM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compulsory Induction for access into the Plant:</td>
<td></td>
</tr>
<tr>
<td>Venue: Kwanala Hall - Kriel Power Station</td>
<td></td>
</tr>
<tr>
<td>Plant walk will take place after the clarification meeting</td>
<td></td>
</tr>
<tr>
<td>Full PPE will be required</td>
<td></td>
</tr>
<tr>
<td>Only company names reflected on the attendance register will be evaluated further</td>
<td></td>
</tr>
<tr>
<td>Failure to attend the compulsory site meeting will be disqualified in further participation</td>
<td></td>
</tr>
</tbody>
</table>

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Invitation to Tender

Tripper Car Project- MPGXC005755

Invitation to Tender/Request for Proposal

Eskom Holdings SOC Ltd (hereinafter “Eskom”) invites you to submit a tender for the Tripper car drive system upgrade at Kriel Power Station for a period of 12 months.

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.

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

Yours faithfully

Procurement Manager
Thabo Nkadimeng

Date: 08/09/2019

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Tripper Car Project- MPGXC005755

1. The following documents are attached to this enquiry:

<table>
<thead>
<tr>
<th>Number</th>
<th>Description</th>
<th>Annexures (attached)</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</td>
<td>Annexure C</td>
<td>Y</td>
</tr>
<tr>
<td>6.4</td>
<td>CPA Requirements for Local Goods/Services</td>
<td>Annexure D</td>
<td>Y</td>
</tr>
<tr>
<td>6.5</td>
<td>Addenda acknowledgement form</td>
<td>Annexure G</td>
<td>Y</td>
</tr>
<tr>
<td>6.6</td>
<td>Tax Evaluation questionnaire to determine whether a company, close corporation (CC) or Trust is a personal service provider for purposes of PAYE</td>
<td></td>
<td>Separate Document</td>
</tr>
<tr>
<td>6.7</td>
<td>SBD 1 - Invitation to Bid must be filled out by all tenderers and submitted with the tender at tender submission deadline</td>
<td>Annexure H</td>
<td>Y</td>
</tr>
<tr>
<td>6.8</td>
<td>Deviation Schedule (on the Invitation to Tender)</td>
<td>Annexure J</td>
<td>Y</td>
</tr>
<tr>
<td>6.9</td>
<td>Authority to Submit a Tender</td>
<td>Annexure K</td>
<td>Separate Document</td>
</tr>
<tr>
<td>6.10</td>
<td>NEC, including clauses, conditions, price list and work scope</td>
<td></td>
<td>Separate Documents</td>
</tr>
<tr>
<td>6.11</td>
<td>Eskom Holdings SOC Ltd Standard Conditions of Tender Rev. 8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.12</td>
<td>Code of Ethics 32-527</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.13</td>
<td>Supplier Integrity Pact 240113650212 June 2016</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.14</td>
<td>CIDB Compulsory Enterprise Questionnaire (Annex G)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.15</td>
<td>CIDB Standard Conditions of Tender (Annex C)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.16</td>
<td>CIDB SBD4 Declaration of Interest</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.17</td>
<td>CIDB SBD9 Certificate Independent Bid</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.18</td>
<td>SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations</td>
<td>Annexure I</td>
<td>Y</td>
</tr>
</tbody>
</table>

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File name: Invitation to Tender_Tripper Car Project.docx
1.2 TENDER DATA

The Tender Data makes several references to the Eskom Standard Conditions of Tender Rev 8. 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.
## Clause Number from Standard Conditions of Tender | Tender Data

### 1.1 Parties
The Employer is Eskom Holdings SOC Ltd

The Eskom Representative is:
Name: Constance Ndhlovu
Address: Procurement Department, Kriel Power Station
Tel: 017 648 0040
Fax: 086 606 4816
E-mail: ButhanCR@eskom.co.za

### 1.3 Enquiry documents
The Invitation to tender number is: **MPGXC005755**

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 rights to accept or reject any tender
The tender shall be for the whole of the contract.

**All line items on the price list to be priced**

### 1.7 Eskom’s right to negotiate
Eskom reserves the right to enter into mandated negotiations with any one or more selected tenderer(s) in accordance with Eskom’s approved procurement policies and procedures.

### 2.1 Eligible tenders
Submit a tender only if the tenderer (whether a single company or a structure similar to a Joint Venture) complies with the *eligibility criteria* stated in the Tender Data and the tenderer, or any of his principals, is not under any restriction to do business with Eskom/State Owned Companies.

Tenderers are deemed **ineligible** to submit a **tender** if
- 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.
- Tenderers submit more than one tender either individually or as a partner in a joint venture (JV) or consortium

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Tripper Car Project- MPGXC005755

- 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.
- 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 process, if:
  - (a) they have a controlling partner/majority shareholder in common; or
  - (b) they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the tender of another Tenderer, or 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 PPPFRA Regulations
- Any tenderer that is restricted by National Treasury
- A tenderer that sub-contracts 100% Scope of Work.

Ineligible tenderers will be disqualified.

2.2 -2.5 Tender Closing

The deadline for Tender submission is:

Date: 17 October 2019
Time: 10:00

Late Tenders will not be accepted

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

<table>
<thead>
<tr>
<th>THE TENDER OFFICE</th>
<th>GPS Co-ordinates:</th>
</tr>
</thead>
<tbody>
<tr>
<td>ESKOM TENDER BOX</td>
<td>Latitude: 25.87723S</td>
</tr>
<tr>
<td>GROUND FLOOR</td>
<td>Longitude: 29.21629E</td>
</tr>
<tr>
<td>NO. 10 SMUTS AVENUE</td>
<td></td>
</tr>
<tr>
<td>WITBANK / EMALAHLENI</td>
<td></td>
</tr>
<tr>
<td>MPUMALANGA</td>
<td></td>
</tr>
</tbody>
</table>

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2.7 - 2.12 Submitting a Tender

It is requested that the tenderer submit the tender document in different sections and NOT in one file:

The tender to be submitted in the following sections:

- SDL&I and Commercial documents (1)
- Technical documents (2)
- Safety, Health, Environmental documents (3)

Each section to be bound or put into a separate file. Do not submit loose pages.

2.9 Copy of original tender

The tenderer shall submit an original tender, plus 1 hard copy of the original tender at tender submission deadline.

Where a Tenderer does not submit 1 hard copy of the original tender at tender submission deadline, the tenderer will be disqualified.

2.13 Tender Validity Period

The tender validity period is 60 days.

2.16 Site/clarification meetings

A Compulsory clarification meeting with representatives of the Employer will take place as follows:

Date: 18 September 2019

Time: 09:00AM

Venue: Kwanala Hall – Kriel Power Station

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

- Induction is compulsory for access to site for the site inspection. Kindly ensure that you attend the induction before attempting to enter Kriel Power Station. Induction will be done after the site meeting.

Please note that if the enquiry 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.

2.17 Clarification on enquiry documents

The tenderer will notify the Employer of any clarifications required before the closing time for clarification queries, which is 5 (five) working days before the deadline for tender submission.
2.22 Alterations to documents

Do not make any alterations or additions to the tender documents, other than for purposes of complying with instructions issued by the Eskom Representative or if necessary to correct errors made by the tenderer. All such alterations shall be initialled by all signatories to the tender. Corrections may not be made using correction fluid, correction tape or the like.

**Do not retype the any part of the issued documents!**

2.23 Alternative tenders

Alternative tenders are not allowed.

2.25 Conditions of contract

The conditions of contract will be the NEC 3 Engineering and Construction Contract

2.31 Provision of security for performance (if applicable)

If security for performance (e.g. Performance Bond) is required, the names of two financial institutions that the tenderer will approached, must be submitted with the tender. The following bonds are required for this enquiry:

<table>
<thead>
<tr>
<th>Bond</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
</tr>
</tbody>
</table>

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.

3.9 Basic Compliance

Basic compliance for this invitation to tender are:

- Meet the eligibility criteria for a tenderer
- Submit one (1) complete hard copy of the original tender to Eskom
- Submit a complete original tender with commercial, financial and technical information
- Submission of the mandatory commercial tender returnables as at stipulated deadlines.
- Central Supplier Database (CSD) number (MAA...........)

3.10

See below list of Tender Returnables, some of these are mandatory at the Tender submission deadline, and others are mandatory prior. The tenderer will be disqualified if mandatory tender returnables are not submitted on/before the stipulated deadlines. Where original/certified copies of a B-BBEE certificates/sworn affidavits that are required for preference point scoring purposes only, tenders will be scored zero, but not disqualified. Where documents be required as evidence of compliance to Pre-qualification criteria and these are not provided; then the tenders will be disqualified.

Mandatory tender returnables required for scoring are listed hereunder
Tenders who do not submit mandatory tender returnables as stipulated deadlines will be disqualified

3.11 Pre-qualification criteria

Pre-qualification criteria are applicable

It is estimated that tenderers must have a CIDB contractor grading designation of 4ME or higher (active status).

**CIDB Standard for Uniformity in Construction Procurement clause F2.1 refers:**
Only those tenderers who are registered with the cidb, or are capable of being so prior to the evaluation of submissions, in a contractor grading designation equal to or higher than a contractor grading designation determined in accordance with the sum tendered, or a value determined in accordance with Regulation 25 (1B) or 25(7A) of the Construction Industry Development Regulations, for a ME class of construction work, are eligible to have their tenders evaluated.

- Joint ventures are eligible to submit tenders provided that:
  1. **Every member of the joint venture is registered with the CIDB**;
  2. The lead partner has a contractor grading designation in the ME class of construction work; or not lower than one level below the required grading designation in the class of works construction works under considerations and possess the required recognition status.
  3. The combined contractor grading designation calculated in according with the Construction Industry Development Regulations is equal to or higher than a contractor grading designation determined in according with the sum tendered for a ME class of construction work or a value determined in accordance with Regulation 25 (1B) or 25(7A) of the Construction Industry Development Regulations.

3.12 Designated materials and thresholds

Designated material thresholds is not applicable

3.13 Functionality requirements

Functionality requirements are applicable

The following criteria will be applicable for this transaction under functionality criteria:

**Mandatory technical evaluation criteria**

1. Proof of one (1) similar contract or project completed in the last five (5) years
2. Mechanical artisan trade qualification
3 Contractor needs to be 4ME CIDB graded

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>Company Experience (Site Manager and Technician)</td>
<td>30%</td>
</tr>
<tr>
<td>Qualifications: Provide Qualifications of key personnel</td>
<td>20%</td>
</tr>
<tr>
<td>Contractor to compile a QCP for the SOW as it pertains to the new installation on coal conveying system. The QCP will be compiled in line with the guideline as given in the Eskom QM58 procedure.</td>
<td>20%</td>
</tr>
<tr>
<td>Methodology: Method Statement for the Tripper car upgrade; how the service shall be delivered</td>
<td>20%</td>
</tr>
<tr>
<td>Welding Procedures</td>
<td>10%</td>
</tr>
<tr>
<td>Minimum 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.

3.15 Evaluation of price

Prices will be evaluated as follows:

- Exclusive of VAT
- 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, 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, where applicable.
- 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.

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## Evaluation 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 tenderer will not be disqualified (except if B-BBEE level is a pre-qualification criterion). The tender:

- May only score points out of 80 for price; and
- Scores 0 points out of 20 for B-BBEE status

## Ranking of tenders

Suppliers will be ranked by applying the preferential point scoring based on the:

1. **80/20** (for estimated values above R30 000 inclusive of VAT and up to R50M inclusive of VAT)

   Eskom will then add the score from Pricing and the B-BBEE level together and rank the suppliers from the highest to the lowest.

## Objective criteria

Objective criteria are not applicable

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; or
- Functionality and any element of the B-BBEE scorecard may not be used as objective criteria.

## Contractual requirements

The following contractual requirements will apply in this enquiry:

- **SHEQ requirements**

   Contractual requirement will not be evaluated but will become a requirement in the contract. Tenderers will therefore not be disqualified, but will have to agree to the contractual requirements.

## Evaluation of Tenders

<table>
<thead>
<tr>
<th>Stage</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stage 1</td>
<td>Basic requirements</td>
</tr>
<tr>
<td>Stage 2</td>
<td>Commercial Evaluation technical gatekeeper</td>
</tr>
<tr>
<td>Stage 3</td>
<td>Price Financial evaluation Stage 4 SHEQ</td>
</tr>
<tr>
<td>Communication after Tender Closing</td>
<td>The Eskom Tender Bulletin and the National Treasury Website will be the primary medium of communication. The Tenderer is required to check if any communication that needs the tenderers attention has been published.</td>
</tr>
</tbody>
</table>
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.

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 sub-contractors may be drawn by accessing the following link: www.csd.gov.za

1.3 TENDER RETURNABLES

The tenderer must submit the returnables set out hereunder as part of its tender.

<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>Commercial Basic Compliance</td>
<td>One (1) complete hard copy of the tender and one (1) copy thereof</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td></td>
<td>CSD number (MAAA)</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Pre-qualification criteria :</td>
<td>CIDB - ME 4</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Valid proof of CIDB (Construction Industry Development Board) Registration. However, where valid proof of CIDB Registration is not available at tender closing deadline, tenderers are at minimum expected to provide valid proof of application for Registration with the CIDB by tender closing deadline and proof of actual registration by contract award.</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Annexure A</td>
<td>Acknowledgement Form</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 (if applicable)</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Annexure G</td>
<td>Confirmation of receipt of addenda to enquiry document</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Annexure H</td>
<td>SBD 1- to be submitted with the tender at tender</td>
<td>✓</td>
<td></td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>(applicable for all suppliers including Foreign suppliers)</th>
<th>submission deadline</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annexure J</td>
<td>Deviation Schedule (either on NEC or Invitation to Tender)</td>
</tr>
<tr>
<td>Annexure K</td>
<td>Authority Form / Letter - Authorised to sign all documents in connection with this tender offer and any contract resulting from it on behalf of the company (same signature to appear throughout the tender documents)</td>
</tr>
<tr>
<td>Tax Clearance Certificates</td>
<td>Foreign suppliers (with a footprint in South Africa) and local suppliers, must submit a printed or copy of its tax clearance certificated as well as their SARS e-filing PIN number and their CSD number for verification by Eskom. Foreign suppliers with no footprint in South Africa, must complete the SBD1 document. No proof of tax compliance is required.</td>
</tr>
<tr>
<td>Compliance with Employment Equity Act</td>
<td>To the extent that the tenderer falls within the definition of a “designated Employer” as contemplated in the Employment Equity Act 55 of 1998, the tenderer is required to furnish the Employer with proof of compliance with the Employment Equity Act, including proof of submission of the Employment Equity report to the Department of Labour. (South African tenderers only)</td>
</tr>
<tr>
<td>Shareholding</td>
<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>NEC Documentation</td>
<td>Acceptance of NEC Terms and Conditions (Deviation Schedule either on Invitation to Tender or on NEC)</td>
</tr>
<tr>
<td></td>
<td>C1.1 Offer and Acceptance</td>
</tr>
<tr>
<td></td>
<td>C1.2 Contract Data (Part Two – Data provided by the Contractor)</td>
</tr>
<tr>
<td></td>
<td>Price List</td>
</tr>
<tr>
<td>CIDB Questionnaire</td>
<td>CIDB Compulsory Enterprise Questionnaire (Annex G)</td>
</tr>
<tr>
<td></td>
<td>CIDB SBD4 Declaration of Interest</td>
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### Supplier Development Localisation & Industrialisation

<table>
<thead>
<tr>
<th>Additional Documents required in event of JV:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Letter of intent to form a JV/consortium</td>
<td>✓</td>
</tr>
<tr>
<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>
</tr>
<tr>
<td>Written confirmation that the joint venture will operate as a single business entity (incorporated) for the duration of the contract (this may be included as an obligation within the JV agreement)</td>
<td>✓</td>
</tr>
<tr>
<td>A trust, consortium or joint venture (including unincorporated consortia and joint ventures) must submit a consolidated (original or certified copy of a valid) 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 I | SBD 6.1- Preference Points Claim Form in terms of PPPFA 2017 regulations | ✓ |

| B-BBEE Certificates / sworn affidavits | An original or certified copy of a valid B-BBEE certificate is required. In the case of EME/QSE, an original or copy of a sworn affidavit. | ✓ |

| Signed Sub-contracting intent agreement / signed intent to sub contract agreement | Tenderers must, where subcontracting is a pre-qualification requirement or where it is a mandatory condition of tender, submit proof of signed subcontracting intent agreement | ✓ |

| Annexure L | SD&L Undertaking | ✓ |

| ID Copies | Submit ID copies of shareholders, members and owners | ✓ |

### DOCUMENTS REQUIRED AS CONTRACTUAL REQUIREMENTS

**Safety/Quality/Environmental documents as required per scope of works**

**Safety Requirements**

| Annexure B | Is the acknowledgement of Eskom’s SHE rules and requirements form (Annexure B) signed and submitted by the tenderer? |  |

---

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Costing for Safety Health and Environmental management

(The cost should be broken down not provided as a lump sum) costing for SHE, i.e. –

- based on the overall scope of work/service to be performed;
- the generic scope of work/service risk assessment – this may serve as a guideline

Safety, Health and Environmental Plan for Scope of work not limited to the following:
(Applicable to High risk)

- SHE organization within the Company-Responsibility & Accountability
- SHE Incident management
- Planning of conduct of work activities including planning for changes and emergency work
- Waste management plan
- PPE- Personal Protective Equipment
- Emergency planning and fire risk management
- Vehicle and driver behavior safety
- Contractor or supplier selection and management
- Design and specifications
- Competency, training, appointments
- Communication and awareness
- Management commitment and visible felt leadership

Environmental Management plan

Applicable to high risk work only

OHS plan

- OHS organization within the Company-Responsibility & Accountability
- SHE Incident management
- Planning of conduct of work activities including planning for changes and emergency work
- PPE- Personal Protective Equipment
- Emergency planning and fire risk management
- Vehicle and driver behavior safety
- Contractor or supplier selection and management
- Design and specifications
- Competency, training, appointments
- Communication and awareness
- Management commitment and visible felt leadership

Baseline Risk Assessment (BRA)

COIDA or equivalent

SHE policy signed by CEO/ MD

Comply to OHS Act Section 7 or OSHAS 18001

Medical fitness certificate

- 1 or Medical surveillance programme for non-operational suppliers or supplier with no employees

SHE Competency

- (Consider scope of work, risks, SHE plan and applicability) CV,s and qualifications / certificates e.g.
Quality requirements (Category 3)

**SECTION A : Quality Management System Requirements ISO 9001**

Objective evidence of documented QMS that is not certified but complies with ISO 9001

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.1 QMS Manual or a document that defines and describes the QMS and its scope or Quality Method statement based on scope.</td>
<td></td>
</tr>
<tr>
<td>A.2 Quality Policy Approved by top management.</td>
<td></td>
</tr>
<tr>
<td>A.3 Quality Objectives Approved by top management.</td>
<td></td>
</tr>
<tr>
<td>A.4 Records required by ISO 9001 standard (List of Records)</td>
<td></td>
</tr>
<tr>
<td>A.5 Control of documented information</td>
<td></td>
</tr>
<tr>
<td>A.6 Documented information for Control of nonconforming outputs</td>
<td></td>
</tr>
<tr>
<td>A.7 Documented information for Nonconformity and Corrective action</td>
<td></td>
</tr>
<tr>
<td>A.8 Documented information for Internal audit</td>
<td></td>
</tr>
</tbody>
</table>

**SECTION B : Evidence of QMS in operation (Tender Quality Requirements - Ref QM-58 /240-105658000)**

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>B.1 Documented information for defined roles, responsibilities and authorities</td>
<td></td>
</tr>
<tr>
<td>B.2 Documented information for Control of Externally Provided Processes, Products and Services</td>
<td></td>
</tr>
</tbody>
</table>

**SECTION E : User defined additional Requirements & miscellaneous (Ref QM-58)**

Customer specific requirements & other standards and required can be listed and evaluated here

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>E.1 Form A is completed and signed.</td>
<td></td>
</tr>
<tr>
<td>E.2 Add other requirements (if applicable) as per the scope of work and/ or specification</td>
<td></td>
</tr>
</tbody>
</table>

**Environmental Requirements**

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental Policy</td>
<td>The contractor must submit an Environmental Policy and proof of communicating it with the employees (project team). The policy should demonstrate your organization (top management)’s commitment to protection of the environment, compliance with legal and other requirements, prevent pollution and continually improve environmental performance.</td>
</tr>
<tr>
<td>Aspects and Impacts Register</td>
<td>The contractor shall determine aspects and impacts related to the scope of work. Aspect is an element of</td>
</tr>
</tbody>
</table>
Environmental Management Plan

The contractor must develop an environmental management plan (EMP) specific to the project - Maintenance and Commissioning of the taprogge system for the Outage Department at Kriel Power Station for a period of 5 years. The EMP shall address how activities which have potential to cause environmental impacts will be managed during the lifespan of a project. Issues to be addressed include but are not limited to noise, odour, dust, air quality, water quality, erosion, use of hazardous chemicals as well as waste generated.

**DOCUMENTS REQUIRED FOR TECHNICAL UNDER FUNCTIONALITY**

<table>
<thead>
<tr>
<th>MANDATORY TECHNICAL EVALUATION CRITERIA</th>
<th>DESCRIPTION</th>
<th>REFERENCE</th>
<th>MOTIVATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Proof of one (1) similar contract or project completed in the last five (5) years</td>
<td>See NEC Works information.</td>
<td>Ensure adequate knowledge to execute scope. Submit award letter or previous order for similar works</td>
</tr>
<tr>
<td>2</td>
<td>Mechanical artisan trade qualification</td>
<td>See Technical criteria point 2 below</td>
<td>To ensure qualified personnel are used. Provide certified SAQA qualifications</td>
</tr>
<tr>
<td>3</td>
<td>Contractor needs to be 4ME CIDB graded</td>
<td>CIDB table</td>
<td>Provide proof of CIDB registration</td>
</tr>
<tr>
<td>Qualitative technical Evaluation Criterial</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Qualitative Technical Criteria Description</th>
<th>Reference to Technical Specification / Tender Returnable</th>
<th>Criteria Sub Weighting (%)</th>
<th>Criteria Weighting (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Company Experience</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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File name: Invitation to Tender_Tripper Car Project.docx
### Timmer Car Project - MPGXC005755

#### 1.1 Site Manager or Foreman
- Experience in managing works on coal conveying systems.
  - a) Managed 3 projects or have three years' experience in works on coal conveying systems. - 100%
  - b) Managed 2 projects or have two years' experience in works on coal conveying systems. - 70%
  - c) Managed 1 project or have one year's experience in works on coal conveying systems. - 50%

#### 1.2 Technicians (Mechanical/Civil Engineering Diploma)
- Experience in works on coal conveying systems.
  - a) 3 years' experience - 100%
  - b) 2 years' experience - 70%
  - c) 1 year's experience - 50%

### Qualifications: Provide Qualifications of key personnel

<table>
<thead>
<tr>
<th>2</th>
<th>Site Manager or Foreman</th>
<th>SAQA verifiable certified copy of Qualification as proof and contactable references.</th>
<th>35%</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.2</td>
<td>Technicians (Mechanical/Civil Engineering Diploma)</td>
<td>35%</td>
<td>20%</td>
</tr>
<tr>
<td>2.3</td>
<td>2 Artisans Qualifications</td>
<td>30%</td>
<td></td>
</tr>
</tbody>
</table>

### Contractor to compile a QCP for the SOW as it pertains to the new installation on coal conveying system. The QCP will be compiled in line with the guideline as given in the Eskom QM58 procedure.

<table>
<thead>
<tr>
<th>3</th>
<th>Detailed QCP – Contractor demonstrates understanding of technical scope as well as the interpretation of the QM58 procedure</th>
<th>QCP</th>
<th>100%</th>
<th>20%</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.2</td>
<td>QCP submitted but not detailed</td>
<td>30%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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| Methodology: Method Statement for the Tripper car upgrade; how the service shall be delivered |
|---|---|
| 4.1 | Scope | 15% |
| 4.2 | Technical execution (show understanding of self-braking motor and how it is implemented) | 15% |
| 4.3 | Tools and equipment | 10% |
| 4.4 | Resources (show quality checks for materials and spares) | 10% |
| 4.5 | Material handling i.e. rigging | 10% |
| 4.7 | The method statement to state suitable and acceptable methodology to undertake the works. (special consideration taken for the provisions necessary in terms of opportunity work) | 20% |
| 4.7 | This to include a detail risk assessment with mitigation. In a form of a risk register. | 20% |

| Welding Procedures |
|---|---|
| 5.1 | Provide Company Qualified Welding Procedure | 100% |
| | Qualified Welding Procedure | 10% |
| | TOTAL: | 100% |

Tenderers who do not meet the threshold of 70% will not be evaluated further

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ANNEXURE A

ACKNOWLEDGEMENT FORM

We were 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. □

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Invitation to Tender MPGXC005755

<table>
<thead>
<tr>
<th>Name of company OR JV</th>
</tr>
</thead>
<tbody>
<tr>
<td>Company Registration Number</td>
</tr>
<tr>
<td>Physical Address</td>
</tr>
<tr>
<td>Postal Address</td>
</tr>
<tr>
<td>Country of registration</td>
</tr>
<tr>
<td>Name of contact person</td>
</tr>
</tbody>
</table>

**Contact details of contact person:**

<table>
<thead>
<tr>
<th>Tel (landline)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fax</td>
</tr>
<tr>
<td>Cell phone</td>
</tr>
<tr>
<td>e-mail address</td>
</tr>
</tbody>
</table>

**Tripper car drive system upgrade at Kriel Power Station for a period of 12 months**

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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: Both single entities and JV’s to complete the section below

<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>
</tbody>
</table>

Include as separate tender returnable if required.

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

Physical address (also of each member of the JV)
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>
</tbody>
</table>

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)

| Proposed Scope of work to be done by sub-contractor |  |
| Contact person |  |
| Telephone number |  |
| Fax number |  |
| E-mail address |  |
| Postal address |  |
| Physical address |  |
**Tripper Car Project- MPGXC005755**

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. If you are registered on SARS E-filing system, please provide your pin number in order to verify your tax compliant status

4. 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.

5. You may register online at National Treasury website on [www.treasury.gov.za](http://www.treasury.gov.za)

6. Alternatively, you may contact for assistance (Eskom Vendor Management):
   Maluta Mukwevho, tel 013 693 2520, Maluta.mukwevho@eskom.co.za

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

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

8. **If sub-contracting** is prescribed in the specific enquiry, you need to compete 8.1 - 8.9

   8.1 Confirm if you intend sub-contracting

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

   8.2 What percentage will you be sub-contracting ?

   %

   8.3 To whom do you intend sub-contracting

   8.4 Is the said sub-contractor registered on CSD?

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

   8.5 If yes to 8.4, please provide CSD number

   8.6 Please confirm B-BBEE level of said sub-contractor

---

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8.7  • Which designated group does the sub-contractor belong to:
   a. Black people
   b. Black people who are youth
   c. Black people who are women
   d. Black people with disabilities
   e. Black people living in rural or underdeveloped areas or townships
   f. Cooperatives which are 51% owned by Black people
   g. Black people who are military veterans

If 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:

8.8  Please confirm that you have attached your signed intent to sub-contract document.

   YES
   NO

8.9  Have you attached proof of sub-contractor’s belonging to designated group

   YES
   NO

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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).

Signed: ____________________________  Date: ____________________________
Name: ____________________________  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>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
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<td></td>
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</tr>
</tbody>
</table>

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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)

ANNEXURE C: 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))

- 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;

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

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

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### 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>Yes/No</td>
<td>No</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>Yes/No</td>
<td>No</td>
</tr>
<tr>
<td>1.2.1</td>
<td>Provide details.</td>
<td>Yes/No</td>
<td>No</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>Yes/No</td>
<td>No</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 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 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

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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 10% 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*
Tripper Car Project- MPGXC005755

- 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                          
----------------------------------

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Tripper Car Project- MPGXC005755

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

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Tripper Car Project- MPGXC005755

**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>Country-specific general labour index</td>
<td>steel index</td>
<td>mechanical engineering material</td>
<td>general transport cost index</td>
<td>CPI (Headline)</td>
</tr>
<tr>
<td>LME, Copper</td>
<td></td>
<td>National Statistical Institute, Country-specific</td>
<td></td>
<td>National Statistical Institute,</td>
</tr>
<tr>
<td>LME, aluminium</td>
<td></td>
<td>mechanical engineering material</td>
<td></td>
<td>Country-specific PPI</td>
</tr>
<tr>
<td>LME, zinc</td>
<td></td>
<td>National Statistical Institute, Country-specific</td>
<td></td>
<td></td>
</tr>
<tr>
<td>LME, lead</td>
<td></td>
<td>building and construction material</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Closing date of tender  ______________/____________/____________

TENDERER'S SIGNATURE  ____________________________________________

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Contract Price Adjustment

Submit your CPA proposal for this contract for a period of 5 years.

The prices will be fixed and firm for the first year of the contract and thereafter subject to CPA as per the formula below.

Proposed portions to add up to 100%

<table>
<thead>
<tr>
<th>Description of Work</th>
<th>Proportion %</th>
<th>Source of Index (CPI, PPI, )</th>
<th>Index Table</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fixed</td>
<td>10%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Total Percentage: 100%

Signed

Date

Name

Position

Tenderer

Note: if CPA tables are not proposed above, the prices tendered will be deemed to be fixed and firm for the duration of the contract

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ANNEXURE G

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>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(Attach additional pages if more space is required)

Name and Designation

_____________________________________________________

Signature

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File name: Invitation to Tender_Tripper Car Project.docx
ANNEXURE H

PART A
INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/PUBLIC ENTITY)

**BID NUMBER:** MPGXC005755  **CLOSING DATE:** 17 October 2019  **CLOSING TIME:** 10:00

**DESCRIPTION** Tripper car drive system upgrade at Kriel Power Station for a period of 12 months

THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).

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

<table>
<thead>
<tr>
<th>ESKOM TENDER BOX</th>
</tr>
</thead>
<tbody>
<tr>
<td>GROUND FLOOR</td>
</tr>
<tr>
<td>NO. 10 SMUTS AVENUE</td>
</tr>
<tr>
<td>WITBANK / EMALAHLENI</td>
</tr>
<tr>
<td>MPUMALANGA</td>
</tr>
</tbody>
</table>

GPS Co-ordinates:
- Latitude: 25.87723S
- Longitude: 29.21629E

SUPPLIER INFORMATION

| NAME OF BIDDER |
| POSTAL ADDRESS |
| STREET ADDRESS |
| TELEPHONE NUMBER |
| CELLPHONE NUMBER |
| FACSIMILE NUMBER |
| E-MAIL ADDRESS |
| VAT REGISTRATION NUMBER |

| TCS PIN: | OR | CSD No: |
| B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE [TICK APPLICABLE BOX] | B-BBEE STATUS LEVEL SWORN AFFIDAVIT |
| Yes | Yes |
| No | No |

IF YES, WHO WAS THE CERTIFICATE ISSUED BY?
- AN ACCOUNTING OFFICER AS CONTEMPLATED IN THE CLOSE CORPORATION ACT (CCA)
- A VERIFICATION AGENCY ACCREDITED BY THE SOUTH AFRICAN ACCREDITATION SYSTEM (SANAS)

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### Invitation to Tender

**Tripper Car Project- MPGXC005755**

<table>
<thead>
<tr>
<th><strong>[A REGISTERED AUDITOR NAME]</strong></th>
<th></th>
</tr>
</thead>
</table>

**[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/SWORN AFFIDAVIT (FOR EMEs & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]**

- **ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS/SERVICES/WORKS OFFERED?**
  - Yes
  - No
  - [IF YES ENCLOSE PROOF]

- **ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS/SERVICES/WORKS OFFERED?**
  - Yes
  - No
  - [IF YES ANSWER PART B:3 BELOW]

**SIGNATURE OF BIDDER**

<table>
<thead>
<tr>
<th>…………………………………</th>
<th>DATE</th>
</tr>
</thead>
</table>

**CAPACITY UNDER WHICH THIS BID IS SIGNED**

(Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)

<table>
<thead>
<tr>
<th><strong>TOTAL NUMBER OF ITEMS OFFERED</strong></th>
<th><strong>TOTAL BID PRICE (ALL INCLUSIVE)</strong></th>
</tr>
</thead>
</table>

**BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:**

- **DEPARTMENT/PUBLIC ENTITY**
- **CONTACT PERSON**
- **TELEPHONE NUMBER**
- **TELEPHONE NUMBER**
- **FACSIMILE NUMBER**
- **FACSIMILE NUMBER**
- **E-MAIL ADDRESS**

**TECHNICAL INFORMATION MAY BE DIRECTED TO:**

- **CONTACT PERSON**
- **TELEPHONE NUMBER**
- **FACSIMILE NUMBER**
- **E-MAIL ADDRESS**

---

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PART B
TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:

1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.

1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RETYPED) OR ONLINE

1.3. BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/DIRECTORSHIP/MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWEAR AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.

1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/DIRECTORSHIP/MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MAY NOT BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWEAR AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.

1.5. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017. THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER LEGISLATION OR SPECIAL CONDITIONS OF CONTRACT.

2. TAX COMPLIANCE REQUIREMENTS

2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.

2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER’S PROFILE AND TAX STATUS.

2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.

2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.

2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER.

2.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?

3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA?

3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?

3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?

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

NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

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Annexure I

SBD 6.1

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution.


1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

a) The value of this bid is estimated to not exceed R50 000 000 (all applicable taxes included) and therefore the 80/20 preference point system shall be applicable.

1.2 Points for this bid shall be awarded for:

(a) Price; and
(b) B-BBEE Status Level of Contributor.

1.3 The maximum points for this bid are allocated as follows:

<table>
<thead>
<tr>
<th></th>
<th>POINTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRICE</td>
<td>80</td>
</tr>
<tr>
<td>B-BBEE STATUS LEVEL OF CONTRIBUTOR</td>
<td>20</td>
</tr>
<tr>
<td><strong>Total points for Price and B-BBEE must not exceed</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

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1.4 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

1.5 The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2. DEFINITIONS

(a) “B-BBEE” means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;

(b) “B-BBEE status level of contributor” means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

(c) “bid” means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;

(d) “Broad-Based Black Economic Empowerment Act” means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);

(e) “EME” means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;

(f) “functionality” means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.

(g) “prices” includes all applicable taxes less all unconditional discounts;

(h) “proof of B-BBEE status level of contributor” means:

1) B-BBEE Status level certificate issued by an authorized body or person;

2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;

3) Any other requirement prescribed in terms of the B-BBEE Act;

(i) “QSE” means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;

(j) “rand value” means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
3. POINTS AWARDED FOR PRICE

3.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

\[
80/20 \quad \text{or} \quad 90/10
\]

\[
Ps = 80 \left(1 - \frac{Pt - P_{\text{min}}}{P_{\text{min}}} \right) \quad \text{or} \quad Ps = 90 \left(1 - \frac{Pt - P_{\text{min}}}{P_{\text{min}}} \right)
\]

Where

- \(Ps\) = Points scored for price of bid under consideration
- \(Pt\) = Price of bid under consideration
- \(P_{\text{min}}\) = Price of lowest acceptable bid

4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

<table>
<thead>
<tr>
<th>B-BBEE Status Level of Contributor</th>
<th>Number of points (90/10 system)</th>
<th>Number of points (80/20 system)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td>2</td>
<td>9</td>
<td>18</td>
</tr>
<tr>
<td>3</td>
<td>6</td>
<td>14</td>
</tr>
<tr>
<td>4</td>
<td>5</td>
<td>12</td>
</tr>
<tr>
<td>5</td>
<td>4</td>
<td>8</td>
</tr>
<tr>
<td>6</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>7</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>8</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Non-compliant contributor</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

5. BID DECLARATION

5.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:-

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6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

6.1 B-BBEE Status Level of Contributor:  = ..........(maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.)

7. SUB-CONTRACTING

7.1 Will any portion of the contract be sub-contracted?

(Tick applicable box)

|  YES |  NO |

7.1.1 If yes, indicate:

i) What percentage of the contract will be subcontracted

ii) The name of the sub-contractor

iii) The B-BBEE status level of the sub-contractor

iv) Whether the sub-contractor is an EME or QSE

(Tick applicable box)

|  YES |  NO |

v) Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations,2017:

<table>
<thead>
<tr>
<th>Designated Group: An EME or QSE which is at least 51% owned by:</th>
<th>EME</th>
<th>QSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black people</td>
<td>√</td>
<td></td>
</tr>
<tr>
<td>Black people who are youth</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black people who are women</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black people with disabilities</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
# 8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name of company/firm: ________________________________

8.2 VAT registration number: ________________________________

8.3 Company registration number: ________________________________

8.4 TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One person business/sole propriety
- Close corporation
- Company
- (Pty) Limited

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.................................................................................................

.................................................................................................

.................................................................................................

8.6 COMPANY CLASSIFICATION

- Manufacturer
- Supplier
- Professional service provider
- Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

8.7 Total number of years the company/firm has been in business: .........................
Tripper Car Project- MPGXC005755

8.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBEE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

i) The information furnished is true and correct;

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

iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;

iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –

(a) disqualify the person from the bidding process;

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

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

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

(e) forward the matter for criminal prosecution.

………………………………………
SIGNATURE(S) OF BIDDERS(S)

…………………………………..
DATE:

…………………………………..
ADDRESS

…………………………………..

WITNESSES

1. …………………………………

2. …………………………………

…………………………………..

…………………………………..

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Annexure J

(Note to tenderer: if there are deviations to the terms and conditions of the NEC document, use this form to detail the deviations. Prepare a separate document attached to this schedule if the proposed changes are extensive. No other deviations will be considered other than this schedule. If you do not have deviations, please indicate that the form is not applicable and sign on the form).

Do you have any deviations to the terms and conditions of the NEC3 Term Service Contract?

| Yes | No |

If there are deviations, complete the table below.

<table>
<thead>
<tr>
<th>Contract Clause No.</th>
<th>Subject of the proposed change</th>
<th>Proposed change</th>
<th>Rationale for the proposed change</th>
</tr>
</thead>
</table>

The form must be signed even if there are no deviations to the terms and conditions of the NEC.

Signed  
Date  
Name  
Position

---

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