

NATIONAL LOTTERIES COMMISSION

Registration number

**APPOINTMENT A LEGAL PRACTITIONER/ FIRM OF LEGAL PRACTITIONERS TO REPRESENT NLC
IN A REVIEW APPLICATION BROUGHT BEFORE THE LABOUR COURT BY NUPSAW & NEHAWU
OBO MEMBERS UNDER CASE NUMBER: JR1413/22**

BID PROCESS	BID REQUIREMENTS
Tender number	RFP/2022-060
Bid Advertisement Date	24 October 2022
Closing date and time	2 November 2022 at 11:00 (South African Standard Time)
Tender validity period	60 business working days <i>from the closing date</i>
Compulsory Briefing meeting	No compulsory briefing session
Tenders are to be delivered to the following address on the stipulated closing date and time:	The original bid document must be submitted via memory stick (USB), Delivered to: Block D, Hatfield Gardens 333 Grosvenor Street. Pretoria. Only electronic bid submissions will be accepted.

Contents

Section No	Page
SECTION 1: BACKGROUND, OVERVIEW AND RFP SCOPE OF REQUIREMENTS	3
1. INTRODUCTION.....	3
2. BACKGROUND.....	3
3. RFP SCOPE OF REQUIREMENTS	4
4. REPORTING REQUIREMENTS.....	5
5. DURATION OF THE PROJECT	6
SECTION 2: NOTICE TO BIDDERS	6
1. TERMS AND CONDITIONS OF REQUEST FOR PROPOSALS (RFP)	6
2. GENERAL RULES AND INSTRUCTIONS.....	6
3. FORMAL BRIEFING SESSION.....	9
4. VALIDITY PERIOD	9
5. NATIONAL TREASURY'S CENTRAL SUPPLIER DATABASE	9
6. CONFIDENTIALITY.....	9
7. COMMUNICATION.....	9
SECTION 3: EVALUATION CRITERIA	10
SECTION 4: INVITATION TO BID (SBD 1).....	16

APPOINTMENT A LEGAL PRACTITIONER/ FIRM OF LEGAL PRACTITIONERS TO REPRESENT NLC IN A REVIEW APPLICATION BROUGHT BEFORE THE LABOUR COURT BY NUPSAW & NEHAWU OBO MEMBERS UNDER CASE NUMBER: JR1413/22

SECTION 1: BACKGROUND, OVERVIEW AND RFP SCOPE OF REQUIREMENTS

1. INTRODUCTION

The National Lotteries Commission (The Commission) is a public entity established by Lotteries Act No. 57 of 1997, as amended to regulate the South African lotteries industry. The functions of the Commission can be divided into two categories, namely “regulation of National Lottery and other Lotteries” and “administration of the National Lottery Distribution Trust Fund (NLDTF)”.

The Distributing Agencies (DA’s) who are appointed by the Minister of Trade & Industry are responsible for the adjudication of the funding applications as per the Lotteries Act and applicable Regulations.

2. BACKGROUND

Following the arbitration award handed down by Commissioner Nathalie Willemse on 20 May 2022 under case number GATW4837-14, NUPSAW & NEHAWU obo Members filed a review application on 29 June 2022 seeking to set aside the Arbitration award in question.

The matter was all along handled by Ramulifho Inc which represented NLC and their mandate had since been terminated.

3. OBJECTIVES

The objective of the assignment is to ensure that the NLC is represented by an experience and credit law firm that specialises in the filed of Labour Law.

4. MANDATE

- Represent NLC in the Review Application before the Labour Court under case number JR1413/22 in the matter between NUPSAW & NEHAWU obo Members.

- Correspond with Ramulifho Inc to advise them that you are the appointed NLC Attorneys of record in the matter in question and request a full case file from them.
- Where practical possible, arrange a consultation meeting with Ramulifho Inc to get a full briefing on the status of the matter from where they left off.
- Continue to work with the Counsel who has been working on the matter with Ramulifho Inc to which his details will be made available to you in due course.
- Give regular updates on the status on the matter to the office of Senior Manager: Human Capital Management.

5. REPORTING REQUIREMENTS

The Law Firm shall work closely with the office of the Senior Manager: Human Capital Management

6. DURATION OF THE MANDATE

This assignment will remain valid as long as the matter is still on the roll of the Labour Court including that of the CCMA should the matter get remitted back to CCMA by Labour Court.

SECTION 2: NOTICE TO BIDDERS

1. Terms and conditions of Request for Proposals (RFP)

- 1.1 This document may contain confidential information that is the property of the NLC.
- 1.2 No part of the contents may be used, copied, disclosed, or conveyed in whole or in part to any party in any manner whatsoever other than for preparing a proposal in response to this RFP without prior written permission from the NLC.
- 1.3 All copyright and intellectual property herein vests with the NLC.
- 1.4 Late and incomplete submissions will not be accepted.
- 1.5 No services must be rendered, or goods delivered before an official NLC Purchase Order form has been received.
- 1.6 This RFP will be evaluated in terms of the 80/20 preference point system prescribed by the Preferential Procurement Regulations, 2017.
- 1.7 Suppliers are required to register on the Central Supplier Database at www.csd.gov.za.
- 1.8 Suppliers must provide their CSD registration number (and attach a CSD Summary report) and ensure that their tax matters are compliant.
- 1.9 All questions regarding this RFP must be forwarded to lucky@nlcsa.org.za no later than within three days of the RFP closing date.
- 1.10 Any supplier who has reasons to believe that the RFP specification is based on a specific brand must inform the NLC via the email addressed in 1.9.

2. General rules and instructions

- 2.1 News and press releases
 - 2.1.1 Bidders or their agents shall not make any news releases concerning this RFP or the awarding of the same or any resulting agreement(s) without the consent of, and then only in co-ordination with, the NLC.
- 2.2 Precedence of documents
 - 2.2.1 This RFP consists of a number of sections. Where there is a contradiction in terms between the clauses, phrases, words, stipulations or terms and herein referred to generally as stipulations in this RFP and the stipulations in any other document attached hereto, or the RFP submitted hereto, the relevant stipulations in this RFP shall take precedence.
 - 2.2.2 Where this RFP is silent on any matter, the relevant stipulations addressing such matter, and which appear in the PPPFA shall take precedence. Bidders shall refrain from incorporating any additional stipulations in its proposal submitted in terms hereof other than in the form of a clearly marked recommendation that the NLC may in its sole discretion elect to import or to ignore. Any such inclusion shall not be used for any purpose of interpretation unless it has been so imported or acknowledged by the NLC.
 - 2.2.3 It is acknowledged that all stipulations in the PPPFA are not equally applicable to all matters addressed in this RFP. It, however, remains the exclusive domain and election of the NLC as to

which of these stipulations are applicable and to what extent. Bidders are hereby acknowledging that the decision of the NLC in this regard is final and binding. The onus to enquire and obtain clarity in this regard rests with the Bidder(s). The Bidder(s) shall take care to restrict its enquiries in this regard to the most reasonable interpretations required to ensure the necessary consensus.

- 2.3 Preferential procurement reform
- 2.4 The NLC supports B-BBEE as an essential ingredient of its business. In accordance with government policy, the NLC insists that the private sector demonstrates its commitment and track record to B-BBEE in the areas of ownership (shareholding), skills transfer, employment equity and procurement practices (SMME Development) etc.
- 2.5 They shall apply the principles of the Preferential Procurement Policy Framework Act, (Act No. 5 of 2000) to this proposal read together with the Preferential No. 5 of 2000) to this proposal read together with the Preferential Procurement Regulations published in Government Notice No.32 in Government Gazette No. 40553 dated 20 January 2017("the Preferential Procurement Regulations, 2017").
- 2.6 Bidders must be registered with the central supplier database (CSD) and submit CSD report reflecting tax compliant.
- 2.7 National Industrial Participation Programme
- 2.8 The Industrial Participation policy, which was endorsed by Cabinet on 30 April 1997, is applicable to contracts that have an imported content. The NIP is obligatory and therefore must be complied with. Bidders are required to sign and submit the Standard Bidding Document (SBD).
- 2.9 Language
 - 2.9.1 Bids shall be submitted in English.
- 2.10 Gender
 - 2.10.1 Any word implying any gender shall be interpreted to imply all other genders.
- 2.11 Headings
 - 2.11.1 Headings are incorporated into this RFP document and submitted in response thereto, for ease of reference only and shall not form part thereof for any purpose of interpretation or for any other purpose.
- 2.12 Occupational Injuries and Diseases Act 13 of 1993
 - 2.12.1 The Bidder warrants that all its employees (including the employees of any sub-contractor that may be appointed) are covered in terms of the Compensation for Occupational Injuries and Diseases Act 13 of 1993 and that the cover shall remain in force for the duration of the adjudication of this RFP and/ or subsequent agreement. the NLC reserves the right to request the Bidder to submit documentary proof of the Bidder's registration and "good standing" with the Compensation Fund, or similar proof acceptable to the NLC.

2.13 Processing of the Bidder's Personal Information

2.13.1 All Personal Information of the Bidder, its employees, representatives, associates, and sub-contractors ("Bidder Personal Information") required under this RFP is collected and processed for the purpose of assessing the content of its tender proposal and awarding the bid. The assessment and award of the bid shall be conducted in accordance with applicable legislation including the PPPFA read with the Preferential

Procurement Regulations, 2017. The Bidder is advised that Bidder Personal Information may be passed on to third-parties to whom the NLC is compelled by law to provide such information. For example, where appropriate, the NLC is compelled to submit information to National Treasury's Database of Restricted Suppliers.

2.13.2 All Personal Information collected will be processed in accordance with POPIA and with the NLC Data Privacy Policy.

2.13.3 The following persons will have access to the Personal Information collected:

2.13.3.1 The NLC personnel participating in procurement/award procedures; and

2.13.3.2 Members of the public: within seven working days from the time the bid is awarded, the following information will have to be made available on National Treasury's e-Tender portal:

2.13.3.2.1 contract description and bid number.

2.13.3.2.2 names of the successful bidder(s) and preference points claimed.

2.13.3.2.3 the contract price(s) (if possible).

2.13.3.2.4 contract period.

2.13.3.2.5 names of directors; and

2.13.3.2.6 date of completion/award.

2.13.4 The NLC will ensure that the rights of the Bidder and of its employees and representatives (i.e. the right of access and the right to rectify) are effectively guaranteed in accordance with the procedures as specified in the NLC PAIA manual.

2.13.5 In signing this document, the Bidder consents to the use of its Personal Information for the purposes as specified in section 2.9.1 above.

3. Formal Briefing Session

There will be no compulsory briefing session.

4. Validity Period

4.1 The NLC requires a validity period of 60 [one hundred and twenty] Business Days [from closing date] against this RFP.

4.2 Bidders are to note that they may be requested to extend the validity period of their bids, on the same terms and conditions, if the internal evaluation process are not finalized within the validity period.

5. National Treasury's Central Supplier Database

- 5.1 Bidders are required to self-register on National Treasury's Central Supplier Database (CSD) which has been established to centrally administer supplier information for all organs of state and facilitate the verification of certain key supplier information.
- 5.2 The NLC may not award business to a bidder who has failed to register on the CSD.
- 5.3 Only foreign suppliers with no local registered entity need not register on the CSD.
- 5.4 The CSD can be accessed at <https://secure.csd.gov.za/>

6. Confidentiality

- 6.1 Bids submitted for this Request for Proposals will not be revealed to any other bidders and will be treated as contractually binding.
- 6.2 The NLC reserves all the rights afforded to it by the POPIA in the processing of any of its information as contained in Bid Proposals.
- 6.3 The Bidder acknowledges that it will obtain and have access to personal information of The NLC and agrees that it shall only process the information disclosed by the NLC in terms of this bid award and only for the purposes as detailed in this RFP and in accordance with any applicable law.
- 6.4 The Bidder shall notify the NLC in writing of any unauthorized access to personal information and the information of a third party, through cybercrimes or suspected cybercrimes, in its knowledge and report such crimes or suspected crimes to the relevant authorities in accordance with applicable laws, after becoming aware of such

7. Communication

- 7.1 Specific queries relating to this RFP should be submitted lucky@nlcsa.org.za, before the closing date.
- 7.2 In the interest of fairness and transparency the NLC's response to such a query may be made available to other bidders.
- 7.3 It is prohibited for bidders to attempt, either directly or indirectly, to canvass any officer or employee of the NLC in respect of this RFP between the closing date and the date of the award of the business.
- 7.4 Bidders found to be in collusion with one another will be automatically disqualified and restricted from doing business with organs of state for a specified period.

REQUEST FOR PRICE PROPOSALS TO REPRESENT NLC IN A REVIEW APPLICATION BROUGHT BEFORE THE LABOUR COURT BY NUPSAW & NEHAWU OBO MEMBERS UNDER CASE NUMBER: JR1413/22

Section 3: EVALUATION CRITERIA

The NLC will evaluate all proposals in terms of the Preferential Procurement Regulation of 2017 and Preferential Procurement Policy Framework Act. No. 5 of 2000 (PPPFA). The six (6) phase evaluation criteria will be considered in evaluating the proposals, being

Stage 1 : Tender Closing and Opening

1.1 Tender closing details

The deadline for Tender submission is **2 November 2022** Standard South African Time. Any late bids will not be accepted.

National Lotteries
Commission 333 Grosvenor
Street
Block D, Hatfield
Gardens Hatfield,
Pretoria
0083

1.2 Bid Formats

Bid submissions must be submitted in a PDF format that is protected from any modifications, deletions, or additions.

Financial/pricing information must be presented in a separate attachment from the Technical/Functional Response information. The onus is on the Bidder to ensure that all mandatory and required documents are included in the electronic submission.

Submissions must be prominently marked with the full details of the tender namely Bidder's Name, Tender No and Tender Title.

Bidders are advised to email electronic submissions at least thirty minutes before the bid closing time to cater for any possible delay in transmission or receipt of the bid. The onus is on bidder to ensure that the bid is submitted on time via email

Tender submission emails received after submission date and time will be declared late bid submissions and will not be accepted for consideration by the NLC.

The NLC will not be responsible for any failure or delay in the email transmission or receipt of the email including but not limited to:

- Receipt of incomplete bid
- File size (must not exceed 30mb)
- Delay in transmission or receipt of the bid
- Failure of the Bidder to properly identify the bid
- Illegibility of the bid; or
- Security of the bid data.

Stage 2: Administrative Compliance

All bid respondents must submit mandatory documents that comply with all mandatory requirements. Bids that do not fully comply with the mandatory requirements will be disqualified and will not be considered for further evaluation. The Administrative Compliance Evaluation will include the following:

Evaluation Criteria	Supporting Document
1. Returnable documents (standard bidding documents) and/or schedules were completed, duly signed by the authorized person	Bid Proposal; Standard Bidding Document (SBD) Forms
2. Signed consent form in terms of the Protection of Personal Information Act 4 of 2013 (POPIA) (Consent Forms Attached to the Bid as part of the SBDs).	Signed POPIA Consent Form
3. Registered with the central supplier database (CSD). Please submit the current summarised CSD Report which reflect tax compliant status	CSD Report
4. Submission of a valid fidelity fund certificate	Fidelity Fund Certificate

5. Submission of a Letter of good standing with the legal practice council	Letter of good standing
6. Joint Venture agreements must be submitted in a case of a bidder being in a joint venture.	Joint Venture agreements
7. Proof of company registration with CIPC.	CK Document
8. Pricing Schedule	Annexure A

Stage 3: Technical evaluation

The evaluation for the Technical and Functional threshold will include the following:

CRITERIA		
1. Company Experience	Scoring matrix (0-5)	Weight (%)
<ul style="list-style-type: none"> The bidder [Law Firm] must demonstrate the number of years of experience in Labour Court Litigation. The bidder [Law Firm] must have a minimum of five (5) years in representing clients in Labour Court Litigations. 	<ul style="list-style-type: none"> 1 - 2 years = 1 point 3 - 4 years = 3 points 5 years and more = 5 points 0 Experience = 0 Point 	20%
2. Key Personnel Experience/Capabilities		
<ul style="list-style-type: none"> The bidder [Law Firm] must provide a profile which contain the Firm's organisational structure, as well as a profile of core staff, their experience, and achievements in delivering a similar service. Abbreviated Curriculum Vitae (CV's) of key personnel to be involved on the provision of required services not longer than one page each, shall be included in your proposal. 	<p>Experience of the Team/Project Leader:</p> <ul style="list-style-type: none"> 0 year = 0 Point Up to 1 year – 1 point Between 2 – 4 years – 2 points Between 4 to 6 years – 3 points Between 6 to 10 years – 4 points More than 10 years – 5 points 	20%
3. Project Plan / Methodology		
The bidder [Law Firm] must provide a project implementation plan which details how the service will be carried out. The project plan must have deliverables and time frames.	<ul style="list-style-type: none"> No plan provided = 0 Point The bidder provides a plan and it take more than 4 months to execute from initiation to final 	40%

	<p>recommendation of candidate = 2 Point.</p> <ul style="list-style-type: none"> ▪ The bidder provides a plan with 3 - 4 months to execute from initiation to final recommendation of candidate = 3 Point. ▪ The bidder provides a plan and it take less than 3 months to execute from initiation to final recommendation of candidate = 5 Points. 	
4. Contactable references		
<ul style="list-style-type: none"> ▪ The bidder is required to provide three (3) contactable client references where its services can be verified. ▪ References should be presented in a form of a written letter on an official letterhead from clients where services were rendered and may not be older than five (5) years. <p>NB: No appointment letters from clients will be accepted as reference letters. Written reference letters not on official letterhead of the client will result in 0 scoring.</p>	<ul style="list-style-type: none"> ▪ No references = 0 points ▪ One (1) relevant reference letter = 2 points ▪ Two (2) relevant reference letters = 3 points ▪ Three (3) relevant reference letters = 5 points 	20%
Total	100%	

Stage 4: Pricing and B BBEE comparatives

The evaluation for Pricing and B-BBEE will include the following

Evaluation Criteria	Final Weighted Scores
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<p>Price</p> <p>The following formula will be used to calculate the points out of 80 for price in respect of a tender with a Rand value equal to or above R30 000 and up to a Rand value of R50 million, inclusive of all applicable taxes:</p> $P_s = 80 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right)$ <p>Where:</p> <p>P_s = Score for the Bid under consideration</p> <p>P_t = Price of Bid under consideration</p> <p>P_{min} = Price of lowest acceptable Bid</p>	80																				
<p>B-BBEE - Scorecard</p> <p>The following table will be used to calculate the score out of 20 for BBEE level status as evidenced by the certificate or sworn affidavit</p> <table border="1" data-bbox="225 931 1038 1509"> <thead> <tr> <th data-bbox="225 931 738 1084">B-BBEE Status Level of Contributor</th> <th data-bbox="738 931 1038 1084">Number of Points (80/20 system)</th> </tr> </thead> <tbody> <tr><td data-bbox="225 1084 738 1131">1</td><td data-bbox="738 1084 1038 1131">20</td></tr> <tr><td data-bbox="225 1131 738 1178">2</td><td data-bbox="738 1131 1038 1178">18</td></tr> <tr><td data-bbox="225 1178 738 1225">3</td><td data-bbox="738 1178 1038 1225">14</td></tr> <tr><td data-bbox="225 1225 738 1272">4</td><td data-bbox="738 1225 1038 1272">12</td></tr> <tr><td data-bbox="225 1272 738 1319">5</td><td data-bbox="738 1272 1038 1319">8</td></tr> <tr><td data-bbox="225 1319 738 1366">6</td><td data-bbox="738 1319 1038 1366">6</td></tr> <tr><td data-bbox="225 1366 738 1413">7</td><td data-bbox="738 1366 1038 1413">4</td></tr> <tr><td data-bbox="225 1413 738 1460">8</td><td data-bbox="738 1413 1038 1460">2</td></tr> <tr><td data-bbox="225 1460 738 1509">Non-Compliant Contributor</td><td data-bbox="738 1460 1038 1509">0</td></tr> </tbody> </table>	B-BBEE Status Level of Contributor	Number of Points (80/20 system)	1	20	2	18	3	14	4	12	5	8	6	6	7	4	8	2	Non-Compliant Contributor	0	20
B-BBEE Status Level of Contributor	Number of Points (80/20 system)																				
1	20																				
2	18																				
3	14																				
4	12																				
5	8																				
6	6																				
7	4																				
8	2																				
Non-Compliant Contributor	0																				
TOTAL SCORE:	100																				

Stage 5: Due Diligence

The NLC reserves the right to undertake a due diligence exercise on the preferred bidder/s as part of a material risk evaluation aimed at determining to its satisfaction, the validity of the information provided by the Bidder. Such exercise shall be fully documented and may include, but need not be limited to, all or any combination of the following:

- a) Physical inspection of the Bidder's offices, branches or other places
- b) Verification of accuracy, correctness and authenticity of information provided
- c) Validation of extent of compliance to the RFP requirements and evaluation criteria based on what has so far been found by the evaluation team
- d) Inquiry and reference checking with National Treasury Restricted Suppliers
- e) Inquiry and reference checking with previous clients on the performance on on-going or contracts completed, including physical inspections of previous works, as necessary;
- f) Financial Stability Assessments

Stage 6: Contract and Award

The stage is for negotiation after receipt of formal tenders and before the conclusion of contracts with suppliers/contractors submitting the lowest acceptable tender with a view to obtaining an improvement in price, delivery or content, in circumstances which do not put other tenderers at a disadvantage or affect adversely their confidence or trust in the competitive system. Bidders may be requested to provide their best and final offers based on contract negotiations.

SUPPLIER COMPLIANC ESTATUS	TAX COMPLIANC E SYSTEM PIN:		OR	CENTR AL SUPPLI ER DATAB ASE	UNIQUE REGISTRATION REFERENCE NUMBER: MAAA
B-BBEE STATUSLEVEL VERIFICATION CERTIFICATE	[TICK APPLICABLE BOX] Yes No		B-BBEE STATUS LEVELSWORN AFFIDAVIT		[TICK APPLICABLE BOX] Yes No

[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]

<p>1 ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED ?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]</p>	<p>2 ARE YOU A FOREIGNBASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER QUESTIONNAIRE BELOW]</p>
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QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? YES NO

DOES THE ENTITY HAVE A BRANCH IN THE RSA? YES NO

DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?
YES NO

DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?
 YES NO

IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? YES NO

IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 1.3 BELOW.

**PART B
TERMS AND CONDITIONS FOR BIDDING**

1. TAX COMPLIANCE REQUIREMENTS

- 1.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 1.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
- 1.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
- 1.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 1.5 IN BIDS WHERE UNINCORPORATED CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 1.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:
(Proof of authority must be submitted e.g. company

resolution) DATE:.....

SBD 4

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes an advertised competitive bid, a limited bid, a proposal or written price quotation). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-

- the bidder is employed by the state; and/or
- the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.

2. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

2.1 Full Name of bidder or his or her representative:

2.2 Identity Number:.....

2.3 Position occupied in the Company (director, trustee, shareholder², member):
.....

2.4 Registration number of company, enterprise, close corporation, partnership agreement or trust:
.....

2.5 Tax Reference Number:

2.6 VAT Registration Number:

2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / PERSAL numbers must be indicated in paragraph 3 below.

¹"State" means –

- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

²"Shareholder" means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.



Tel: +27(12)432 1300
Info Centre: 086 00 65383
web: www.nlcsa.org.za
National Lotteries Commission (NLC)
P.O Box 1556
Brooklyn Square 0083, Pretoria

2.7 Are you or any person connected with the bidder presently employed by the state? **YES / NO**

2.7.1 If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member:
Name of state institution at which you or the person connected to the bidder is employed :
Position occupied in the state institution:

Any other particulars:
.....
.....
.....

2.7.2 If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector? **YES / NO**

2.7.2.1 If yes, did you attach proof of such authority to the bid document? **YES / NO**

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

2.7.2.2 If no, furnish reasons for non-submission of such proof:

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

2.8 Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months? **YES / NO**

2.8.1 If so, furnish particulars:
.....
.....
.....

2.9 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid? **YES / NO**

2.9.1 If so, furnish particulars.
.....
.....



Tel: +27(12)432 1300
 Info Centre: 086 00 65383
 web: www.nlcsa.org.za
 National Lotteries Commission (NLC)
 P.O Box 1556
 Brooklyn Square 0083, Pretoria

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

YES / NO

4.1 If so, furnish the following particulars of your sub-contractor(s):

Full Name	Identity Number	Personal Income Tax Reference Number	State Number / Employee Pearsal Number

5 DECLARATION

I, THE UNDERSIGNED (NAME).....

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT.
 I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
 Signature

.....
 Date

.....
 Position

.....
 Name of bidder

REQUEST FOR PRICE PROPOSALS FOR THE APPOINTMENT OF A PANEL OF THREE (3) SERVICE PROVIDERS TO PROVIDE COURIER SERVICES TO THE NATIONAL LOTTERIES COMMISSION FOR A PERIOD OF FIVE (5) YEARS.

Section 7: PREFERENCE POINTS CLAIM FORM (SBD 6.1)

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

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

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).

1.2 1.2

- a) The value of this bid is estimated to **exceed/not exceed** R50 000 000 (all applicable taxes included) and therefore the preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.3 Points for this bid shall be awarded for:

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

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

	POINT S
PRICE	50
B-BBEE STATUS LEVEL OF CONTRIBUTOR	50
Total points for Price and B-BBEE must not exceed	100

1.5 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.

1.6 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) | certificate issued by an authorized body or person; | B-BBEE Status level |
| 2) | prescribed by the B-BBEE Codes of Good Practice; | A sworn affidavit as |
| 3) | prescribed in terms of the B-BBEE Act; | Any other requirement |
- (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	or	90/10
P_s	$80 \cdot 1 \cdot \frac{P_t - P_{min}}{P_{min}}$	or	$90 \cdot 1 \cdot \frac{P_t - P_{min}}{P_{min}}$

Where

P_s = Points scored for price of bid under consideration

P_t = Price of bid under consideration

P_{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:

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

5 BID DECLARATION

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

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	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

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	<input type="checkbox"/>	NO	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

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

Designated Group: An EME or QSE which is at last 51% owned by:	EME	QSE
	√	√
Black people		
Black people who are youth		
Black people who are women		
Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		

OR		
Any EME		
Any QSE		

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:.....

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-BBE 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 an

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.

<p>WITNESSES</p> <p>1.</p> <p>2.</p>
--

<p>..... SIGNATURE(S) OF BIDDERS(S)</p> <p>DATE:</p> <p>ADDRESS</p> <p>.....</p> <p>.....</p>



ANNEXURE A

PRICING SCHEDULE

APPOINTMENT A LEGAL PRACTITIONER/ FIRM OF LEGAL PRACTITIONERS TO REPRESENT NLC IN A REVIEW APPLICATION BROUGHT BEFORE THE LABOUR COURT BY NUPSAW & NEHAWU OBO MEMBERS UNDER CASE NUMBER: JR1413/22

RFP/2022 - 060

Name of bidder.....

1. Please provide prices (VAT Inclusive) for the appointment of legal practitioner / firm of legal practitioners to represent National Lotteries Commission (NLC). For comparative purposes, bidders are requested to quote on an hourly rate for each team member (attorney) proposed for the legal opinion required. The number of resources is limited to two (2) team members for this service and comparison purposes.

2. Please provide with the following in response to the request for legal opinion

2.1 Hourly rate (VAT inclusive) aligned to the Department of Public Service Commission (DPSA) 1 July 2020 Rates (Model A Short-Term, Option A 1 All Overheads, A1.1 Mark Up) or relevant Council Rates using Table 1 below.

TABLE 1

#	Title of Team Member/Resource	Hourly Rate (VAT Inclusive)	Total Amount (Vat Inclusive)
1.	Lead Attorney / Director		

ANNEXURE A

2.	Junior / Middle Attorney		
3.	Candidate Attorney		
Total Amount			

.....

Name of representative

.....

Signature

.....

Date

SECTION 6: CONSENT REQUEST FORM

SCM:

CONSENT REQUEST FORM

REQUEST FOR THE CONSENT OF A DATA SUBJECT FOR PROCESSING OF PERSONAL INFORMATION FOR THE PURPOSE OF PROCUREMENT OF GOODS AND SERVICES APPLICATION, IN LINE WITH THE NLC'S SUPPLY CHAIN MANAGEMENT POLICY, IN TERMS OF SECTION 11(1)(a) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO.4 OF 2013) ("**POPIA**").

TO: _____

FROM: _____

ADDRESS: _____

Contact number: _____

Email address: _____

PART A

1. In terms of the PROTECTION OF PERSONAL INFORMATION ACT, consent for processing of personal information of a data subject (the person/entity to whom personal information relates) must be obtained for the purpose of processing of application for procurement of goods and services, in line with the NLC's supply chain management policy, and storage of your personal data by means of any form of electronic communication, including automatic calling machines, facsimile machines, SMSs or e-mail, which is prohibited unless written consent to the processing is given by the data subject. You may only be approached once for your consent by us (NLC). After you have indicated your wishes in Part B, you are kindly requested to submit this Form either by post, facsimile or e-mail to the address, facsimile number or e-mail address as stated above.

2. "Processing" means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including—
 - 2.1 the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
 - 2.2 dissemination by means of transmission, distribution or making available in any other form; or
 - 2.3 merging, linking, as well as restriction, degradation, erasure or destruction of information.
3. "Personal information" means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to—
 - 3.1 information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
 - 3.2 information relating to the education or the medical, financial, criminal or employment history of the person;
 - 3.3 any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
 - 3.4 the biometric information of the person;
 - 3.5 the personal opinions, views or preferences of the person;
 - 3.6 correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
 - 3.7 the views or opinions of another individual about the person; and
 - 3.8 the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.

Full names of the designated person on behalf of the Responsible Party

Signature of Designation person

PART B

I, _____ (full names), duly authorized, hereby: Consent to the processing of my/our personal information for the application of procurement of goods and services, in line with the NLC supply chain management policy, in terms of section 11(1)(a) of POPIA.

SPECIFY GOODS AND SERVICES (Edit/Click on services not required):

- Product Information
- Product Updates
- Industry Newsletters
- Price Changes

Method of Communication will be via: Email/Postal

- Give my consent.

By Ticking the next box, I am aware that I am Digitally Signing this Consent request Form:

Full Name: Date:

WITHDRAWAL OF CONSENT ONCE GIVEN

You may withdraw your consent at any time.

Write or email us at the address above, advising us of your consent withdrawal