

## NATIONAL LOTTERIES COMMISSION

### APPOINTMENT OF A PANEL OF SERVICE PROVIDERS TO CONDUCT FORENSIC INVESTIGATIONS ON ALLEGED FRAUD AND CORRUPTION CASES

BID PROCESS	BID REQUIREMENTS
<b>Tender number</b>	<b>NLC/2023 - 001</b>
<b>Bid Advertisement Date</b>	<b>15 March 2023</b>
<b>Closing date and time</b>	<b>19 April 2023 at 11:00</b> <i>(South African Standard Time)</i>
<b>Tender validity period</b>	<b>120 business working days from the closing date [19 April 2023 to 23 August 2023]</b>
<b>Compulsory Briefing meeting</b>	N/A
<b>Tenders are to be delivered to the following address on the stipulated closing date and time:</b>	<p>The bid proposals document must be submitted <b>ONLY</b> via USB and handed in/ delivered to:</p> <p>The Supply Chain Management            National Lotteries Commission            333 Grosvenor Street            Block D, Hatfield Gardens Hatfield, Pretoria            0083</p> <p style="color: red;"><b>Only USB will be accepted. NO hardcopies.</b></p>

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## **SECTION 1: BACKGROUND, OVERVIEW AND RFP SCOPE OF REQUIREMENTS**

### **1. INTRODUCTION**

- 1.1. The National Lotteries Commission was established in terms of the Lotteries Act No. 57 of 1997, as amended (Lotteries Act) to regulate the National Lottery as well as other lotteries and societies.
- 1.2. The NLC aims to ensure that funds raised through the National Lottery are distributed equitably and expeditiously across South Africa in order to advance social upliftment of communities in need with the aim of addressing poverty and reducing inequalities in line with the National Development Plan.
- 1.3. The Commission is required to apply principles of openness and transparency in the exercise of its functions assigned to it in terms of the Lotteries Act No 57 of 1997.

### **2. BACKGROUND**

- 2.1. The Forensics Investigation Unit within the Internal Audit Division is responsible for conducting Forensic Investigations within the NLC, following receipt of requests for investigations received via the Commissioner's office, executive and senior management, as well as from whistle-blowers (internal and external). A request to conduct forensic investigations are also received through anonymous tip-offs obtained from the NLC's Anti-Corruption Hotline, wherein monthly case progress feedback is provided to the Commissioner and the Board Audit and Risk Committee (BARC) who are also advised of the outcome of complaints referred to the NLC.
- 2.2. Feedback on the outcome of forensic investigations conducted is submitted on a quarterly basis to the Board Audit and Risk Committee (BARC) In-Committee.
- 2.3. The Forensics Investigation Unit within Internal Audit Division further assists with the opening of criminal cases at the SAPS and maintains close relationships with other law enforcement agencies. The Forensic Investigations Unit also assists with conducting investigations at all NLC offices as well as its grant beneficiaries and or those initiated by the BARC if requested to do so.

### **3. THE OBJECTIVE OF THIS PROJECT**

- 3.1. The objective of this TOR is to appoint a panel of suitable independent forensic investigation service providers that can support the NLC internal audit unit with the forensic investigation services into alleged fraud and corruption. In addition to identify fraud risks and control breakdowns during forensic investigations and to make recommendations to address these weaknesses and to prevent re-occurrence of similar incidents. The service provider will be expected to provide its services through a dedicated team of qualified investigators based on the nature of the mandate.

## 4. METHODOLOGY

- 4.1. The Service Provider must clearly outline and explain the methodology that will be used to conduct forensic investigations at the NLC (no textbook explanation) stipulate the approach and provide a step-by-step explanation of the proposed process.

## 5. SCOPE OF WORK

- 5.1. The role of the Forensic Investigation Unit is to assist the NLC with the investigation of cases reported *via* the NLC Anti-Corruption Hotline and other fraud reporting platforms as well as related to management/ whistle-blower(s) or matters discovered in the line of business or from media reports.
- 5.2. The appointed service provider will undertake the following as and when case(s) are allocated to them for investigation:
- (a) Review the cases reported *via* the NLC Anti-Corruption Hotline / management or whistle-blower(s) or discovered in the line of business or media reports.
  - (b) conduct assessments on the merit of the complaints (preliminary review).
  - (c) Based on the outcome of the preliminary review, if it is concluded that there are merits in allegations;
  - (d) Categorise the allegations as Fraud, Corruption, Irregularities, noncompliance with prescripts and draft the scope of the of the detailed investigation;
  - (e) Prepare a detailed investigation plan and notice of investigation;
  - (f) Conduct the investigation in accordance with the Forensic Investigation Methodology;
  - (g) Compile a detailed Forensic Investigation Report supported with evidence annexures;
  - (h) Consideration should be given to Internal Control Weaknesses and Fraud Risks identified during the investigation;
  - (i) Arrange exit meetings to discuss Forensic Investigation reports and obtain management action plans to address weaknesses identified, and/ or the implementation of recommendations in the report;
  - (j) Utilise forensic tools and or data analytics to assist in identifying possible fraud trends in the NLC when necessary; and;
  - (k) Assist with the compilation of affidavits for opening criminal cases;
  - (l) Follow-up on investigations, where required.

## 6. DELIVERABLES

- 6.1. The successful bidder is required to:
- (a) submit a detailed final forensic investigation report with findings, and recommendations based on conclusions reached **and** all necessary supporting documents to **the NLC**, after the completion of the investigation;
  - (b) Ensure all records are kept and managed properly, including documents, evidence etc.

- (c) Maintain case files in a proper manner, bearing in mind that criminal processes could be initiated in respect of cases.
  - (d) Provide **the NLC** with electronic copies of all draft and final investigation reports including a hard copy per specific matter investigated and working papers at the completion of the investigation.
  - (e) Submit the final electronic version and hard copy of the Project Close-out report encompassing all matters investigated after the completion of the project.
  - (f) Provide support during disciplinary hearings, including testifying in disciplinary proceedings (this includes period beyond terms of their contract); and
  - (g) Provide support on matters that are referred for investigation by relevant law enforcement agencies or appropriate bodies; and give expert testimony against parties involved in fraud and corruption incidents (the expert testimony in criminal proceedings will include periods beyond the contract agreement).
- 6.2. The service providers will be required to submit a preliminary budget containing the hours and the amount (based on hourly rates in financial proposal and cost, in line with cost containment measures) to be spent on each case, before an investigation can commence. A preliminary investigation limited to 10 hours may be completed for each case to determine if a full investigation is required. The Chief Audit Executive will decide if and when a preliminary investigation is to be conducted.
- 6.3. All investigations are to be carried out in accordance with the timelines as agreed upon with the Chief Audit Executive or the Senior Specialist: Investigation. Timelines for the completion of the investigations must be included in the engagement letter and adhered to.
- 6.4. The service providers will be required to submit monthly progress reports to the CAE/Forensic Specialist, **within 4 days after the end of each month**. These reports should include progress made to date with regard to the allocated cases, reasons for delays in finalizing (if any), progress on the transfer of skills that took place during the preceding month and a combined list of non-compliance weaknesses and risks identified during the period.
- 6.5. The recommendations made on each case should be actionable and also assist **the NLC** to exercise its discretion when deciding whether to refer a matter to other law enforcement agencies for prosecution or other regulatory bodies for remedial interventions such as alternative dispute resolution, when implemented.

## 7. SKILLS TRANSFER

7.1. The service providers shall transfer skills to the staff of **the NLC** who will be involved in the investigations conducted. The service providers will submit a consolidated report to **the NLC** providing feedback on the skills transferred to **the NLC's** staff over the duration of the contract period. The skills transfer plan must include but no limited to the following elements:

- Identification of gaps;
- Training plans to address the gaps;
- Quarterly reporting method on training; and
- Final report on skills transferred.

## 8. COMPOSITION OF TEAM AND CV TEMPLATES

8.1. It is the bidders' responsibility to clearly indicate in their proposal who is the partner, senior manager, 2 managers and 2 investigators. Bid Evaluation Committee members can only evaluate and score according to what is shown or reflected in a proposal.

8.2. Bidders must submit comprehensive CVs of all key staff in the following format:

8.2.1. 1<sup>st</sup> column: name and id number of key staff member;

8.2.2. 2nd column: relevant qualification(s) and courses successfully completed;

8.2.3. 3rd column: number of years' relevant experience indicated in numerical format;

8.2.4. 4th column: case studies to prove relevant experience and knowledge in field of expertise (as indicated in below table).

**Definition of case studies: Investigation assignments that have been previously undertaken in the past three years.**

Name and ID number of key staff member (Indicate whether a person is the senior staff/manager/ project team member)	Relevant qualification(s) and courses successfully completed	Number of years' relevant experience in <u>numerical</u> format (Only indicate the number of years performing this specific work / services).	Only relevant case studies or relevant other proof and relevant references to prove relevant experience and knowledge in field of expertise.
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**NB: the NLC** reserves the right to vet all documentation and information provided by bidders to prove their relevant experience and ability to perform the service.

## 9. ROTATION

9.1. The bidder that scores the highest points on price and B-BBEE will be allocated the first assignment, the bidder that scored second highest on price and B-BBEE will be allocated the second assignment and the third assignment will go to the bidder that scored the third highest points for price and B-BBEE.

- 9.2.** In the event that only one or two successful bidders are identified then the work rotation will be dealt with as indicated above pending the number of bidders appointed. The rotation process will be repeated in the same sequence for as long as services are required. An equal distribution of work cannot be guaranteed, as work allocation will also be dependent on the bidder's previous experience.

## **10. DURATION OF THE PROJECT**

- 10.1. The expected duration of the project is for a period of three (3) years from the date of signing of the service level agreement (SLA).

## 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
- 1.7 Suppliers are required to register on the Central Supplier Database at [www.csd.gov.za](http://www.csd.gov.za).
- 1.8 Suppliers must provide their CSD registration number (and attach a CSD Registration report) and ensure that the tax matters are compliant.
- 1.9 All questions regarding this RFP must be forwarded to [bids@nlcsa.org.za](mailto:bids@nlcsa.org.za).
- 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 several 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 section 217 of the constitution of the republic 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 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



commission 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

2.3.1 The Commission 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.

### 2.4 National Industrial Participation Programme

2.4.1 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).

### 2.5 **Language**

2.5.1 Bids shall be submitted in English.

### 2.6 **Gender**

2.6.1 Any word implying any gender shall be interpreted to imply all other genders.

### 2.7 Headings

2.7.1 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.

### 2.8 Occupational Injuries and Diseases Act 13 of 1993

2.8.1 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 commission 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 commission.

### 2.9 Processing of the Bidder's Personal Information

2.9.1 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 Bidder is advised that Bidder Personal Information may be passed on to third parties to whom the commission is compelled by law to provide such information. For example, where appropriate, the

commission is compelled to submit information to National Treasury's Database of Restricted Suppliers.

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

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

2.9.3.1 The commission personnel participating in procurement/award procedures; and

2.9.3.2 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:

2.9.3.2.1 contract description and bid number.

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

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

2.9.3.2.4 contract period.

2.9.3.2.5 names of directors; and

2.9.3.2.6 date of completion/award.

2.9.4 The commission 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 commission PAIA manual.

2.9.5 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**

3.1 No briefing session.

### **4. Validity Period**

4.1 The Commission requires a validity period of 120 [one hundred and twenty] Business Days ***[From 19 April 2023 to 23 August 2023]*** 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 finalised 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 Commission 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 Commission 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 unauthorised 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 [bids@nlcsa.org.za](mailto:bids@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.

## SECTION 3: EVALUATION CRITERIA

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 on **19 April 2023 at 11:00am** Standard South African Time. Any late tenders will not be accepted. Tenders (USBs) are to be submitted to the NLC's tender box at the following physical address:

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

**Only USBs will be accepted.**

#### 1.2 Bid Formats

- 1.2.1 Bid submissions must be submitted in a PDF format that is protected from any modifications, deletions, or additions.
- 1.2.2 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.
- 1.2.3 Submissions must be prominently marked with the full details of the tender namely Bidder's Name, Tender No and Tender Title.
- 1.2.4 Tender submissions received after submission date and time will be declared late and will not be accepted for consideration by the NLC.
- 1.3 The NLC will not be responsible for any failure or delay in the submission or receipt of the bid including but not limited to:
- Traffic.
  - Struggling to find parking.
  - Courier arriving late.

## Stage 2: Administrative Compliance

2.1 All bid respondents must submit the relevant documents that comply with administrative compliance, which will include the following:

Evaluation Criteria	Supporting Document
<ul style="list-style-type: none"> <li>Whether all Returnable Documents and/or schedules [where applicable] were completed and returned by the closing date and time</li> </ul>	SBD 1 & SBD 6.1
<ul style="list-style-type: none"> <li>Whether the Bid document has been duly signed by the authorised bidder official</li> </ul>	Company resolution as proof of authorised individuals' delegation
<ul style="list-style-type: none"> <li>Whether the Bid contains a priced offer</li> </ul>	Pricing Schedule
<ul style="list-style-type: none"> <li>Whether the Bidder tax affairs in order</li> </ul>	Tax Compliance System Pin & CSD Summary Report with Tax Compliance
<ul style="list-style-type: none"> <li>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).</li> </ul>	Signed POPIA Consent Form
<ul style="list-style-type: none"> <li>Whether Bidders have failed to register on the CSD. Only foreign suppliers with no local registered entity need not register on the CSD</li> </ul>	Proof of Central Supplier Database (CSD) registration

## Stage 3: Mandatory Compliance

3.1 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. In the event of the bidder being in a joint venture (JV), a signed JV agreement must be submitted (where applicable)	JV Agreement
2. Only bidders who are found compliant on this stage will proceed to stage 2. Proof that the bidding company registered with the Association of Certified Fraud Examiners ( <b>ACFE</b> ) must be provided.  <b><u>(Please submit certified copies)</u></b>	Please attach a ACFE membership/accreditation certified/ letter of good standing with the professional body for the <b>bidder</b> .

***Failure to comply with the above mandatory requirements will render your submission non-responsive and unacceptable.***

## Stage 4: Technical evaluation

### Rating scale to be followed for evaluation process:

Table 1

Rating	Definition	Score
<b>Excellent</b>	<b>Exceeds</b> the requirement. Exceptional demonstration by the supplier of the relevant ability, understanding, experience, skills, resource and quality measures required to provide the goods / services. Response identifies factors that will offer potential added value, with supporting evidence.	<b>5</b>
<b>Good</b>	<b>Satisfies</b> the requirement with <b>minor additional benefits</b> . Above average demonstration by the supplier of the relevant ability, understanding, experience, skills, resource and quality measures required to provide the goods / services. Response identifies factors that will offer potential added value, with supporting evidence.	<b>4</b>
<b>Acceptable</b>	<b>Satisfies</b> the requirement. Demonstration by the supplier of the relevant ability, understanding, experience, skills, resource, and quality measures required to provide the goods / services, with supporting evidence.	<b>3</b>
<b>Minor Reservations</b>	Satisfies the requirement with <b>minor reservations</b> . Some minor reservations of the supplier's relevant ability, understanding, experience, skills, resource and quality measures required to provide the goods / services, with little or no supporting evidence.	<b>2</b>
<b>Serious Reservations</b>	Satisfies the requirement with <b>major reservations</b> . Considerable reservations of the supplier's relevant ability, understanding, experience, skills, resource and quality measures required to provide the goods / services, with little or no supporting evidence.	<b>1</b>
<b>Unacceptable / Non - Compliant</b>	<b>Does not meet the requirement</b> . Does not comply and/or insufficient information provided to demonstrate that the supplier has the ability, understanding, experience, skills, resource & quality measures required to provide the goods / services, with little or no supporting evidence.	<b>0</b>

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

Category & Criteria Description	Weightings (%)	Scoring Matrix
<b>1. Bidders (Company) experience in line with the TOR</b>	<b>35%</b>	
<p><b>1.1 Written reference letters</b></p> <p>Provide (5) five reference letters from contactable existing/ recent clients (within the past 5 years) of Forensic Investigation Projects successfully completed. The letter must be in the letterhead of the client's name, contact name, address, phone number, and duration of the contract, a brief description of the services that you provided.</p> <p><b>No appointment letters from clients will be accepted as reference letters.</b></p>	15%	<ul style="list-style-type: none"> <li>- 1 relevant reference letter = 1</li> <li>- 2 relevant reference letters = 2</li> <li>- 3 relevant reference letters = 3</li> <li>- 4 relevant reference letters = 4</li> <li>- 5 relevant reference letters = 5</li> </ul>
<p><b>1.2. Bidder experience in providing forensic investigation services</b></p> <p>The bidding company must have 5 years' relevant experience in delivering the required forensic audit/investigations services by submitting a company profile. (Provide proof of number of years)</p> <p>Proof of relevant experience by the firm should be provided by means of casestudies detailing the type of projects, the period of the projects, the magnitude of the projects and the result of the projects in the past five (5) years. The case studies should include the following information:</p> <ul style="list-style-type: none"> <li>• type and nature of investigation(s) conducted;</li> <li>• actual hours or days spent in concluding the investigation(s);</li> </ul>	20%	<ul style="list-style-type: none"> <li>- Less than 3 years' experience in forensic investigations = 1</li> <li>- 3 years' experience in forensic investigations = 2</li> <li>- 4 years' experience in forensic investigations = 3</li> <li>- 5years' experience in forensic investigations = 4</li> <li>- Above 5 years' experience in forensic investigations = 5</li> </ul>

Category & Criteria Description	Weightings (%)	Scoring Matrix
<ul style="list-style-type: none"> <li>• value adding recommendations made during the investigation(s);</li> <li>• outcome of the investigation(s);</li> <li>• any successful criminal prosecutions or convictions;</li> </ul>		
<p><b>2. Capacity and experience of the proposed team</b></p>	<p><b>50%</b></p>	
<p><b>Qualifications and experience of key staff</b></p> <p><b>Qualifications must be elaborated upon in CV's.</b> The key staff should be composed of one senior manager, two managers and two investigators.</p> <p><b>NB: It is the bidders' responsibility to clearly indicate in their proposal who is the partner, senior manager, 2 managers and 2 investigators. Bid Evaluation Committee members can only evaluate and score according to what is shown or reflected in a proposal.</b></p> <p>Key staff for this project should comply with the following requirements:</p>		
<p><b>2.1 Qualifications and experience: Director/Partner:</b></p> <p>(a) Director/Partner shall have 18 years' experience in conducting similar investigations of this nature in the Public and Private sector.</p> <p>The senior manager shall at least hold a minimum of Post Graduate Degree in Law / Forensic Audit /Forensic Accounting/ Economic Science/ Accounting and must be a Certified Forensic Examiner (CFE) or Forensic</p>	<p>15%</p>	<ul style="list-style-type: none"> <li>- Less than 5 years' forensic investigations experience = <b>1</b></li> <li>- 5-9 years' forensic investigations experience = <b>2</b></li> <li>- 10-15 years' forensic investigations experience = <b>3</b></li> <li>- 16-18 years' forensic investigations experience = <b>4</b></li> </ul>



Category & Criteria Description	Weightings (%)	Scoring Matrix
<p>Practitioner (FE).</p> <p>Refer to paragraph 8 for CV Template</p>		<ul style="list-style-type: none"> <li>- Above 18 years’ forensic investigations experience = <b>5</b></li> </ul>
<p><b>2.2 Qualifications and experience: Senior Forensic Manager:</b></p> <p>(b) Senior manager shall have 18 years’ experience in conducting similar investigations of this nature in the Public and Private sector.</p> <p>The senior manager shall at least hold a minimum of Post Graduate Degree in Law / Forensic Audit /Forensic Accounting/ Economic Science/ Accounting and must be a Certified Forensic Examiner (CFE) or Forensic Practitioner (FE).</p>	<p>15%</p>	<ul style="list-style-type: none"> <li>- Less than 5 years’ forensic investigations experience = <b>1</b></li> <li>- 5-9 years’ forensic investigations experience = <b>2</b></li> <li>- 10-15 years’ forensic investigations experience = <b>3</b></li> <li>- 16-18 years’ forensic investigations experience = <b>4</b></li> <li>Above 18 years’ forensic investigations experience = <b>5</b></li> </ul>
<p><b>2.3 Qualifications: Forensic Managers</b></p> <p>(c) The two managers shall have 15 years’ experience in conducting similar investigations both in public and private sector.</p> <p>The <b>two</b> managers <b>must</b> at least hold a Degree in Commerce/ Law/ investigative techniques/, Forensic Audit or any other related field of this nature and <b>must</b> be a Certified Forensic Examiner (CFE) or Forensic Practitioner (FE).</p>	<p>10%</p>	<ul style="list-style-type: none"> <li>- Less than 3 years’ forensic investigations experience = <b>1</b></li> <li>- 3-4 years’ forensic investigations experience = <b>2</b></li> <li>- 5-10 years’ forensic investigations experience = <b>3</b></li> <li>- 11-15 years’ forensic investigations experience = <b>4</b></li> <li>- Above 15 years’ forensic investigations experience = <b>5</b></li> </ul>

Category & Criteria Description	Weightings (%)	Scoring Matrix
<p><b>2.4 Qualifications: Investigator x2:</b></p> <p>(d) The two investigators shall have 10 years’ experience in conducting similar investigations both in public and private sector.</p> <p>The <b>two</b> investigators <b>must</b> at least hold a Degree in Commerce/ Law/ investigative techniques/, Forensic Audit or any other related field of this nature and <b>must</b> be a Certified Forensic Examiner (CFE) or Forensic Practitioner (FE).</p>	<p>10%</p>	<ul style="list-style-type: none"> <li>- 1 year’ forensic investigations experience = <b>1</b></li> <li>- 2 years’ forensic investigations experience = <b>2</b></li> <li>- 3-5 years’ forensic investigations experience = <b>3</b></li> <li>- 6-9 years’ forensic investigations experience = <b>4</b></li> <li>- Above 10 years’ forensic investigations experience = <b>5</b></li> </ul>
<p><b>3. Project Plan and Methodology</b></p>		
<p><b>Methodology/Approach and implementation plan</b></p> <p>The Service Provider is expected to clearly outline and explain the methodology that will be used to conduct forensic investigations at the NLC (no textbook explanation) stipulate the approach and provide a step-by-step explanation of the proposed process.</p> <p>It will be imperative for the bidding company to outline and explain the methodology that will be used to conduct investigations on behalf of the NLC</p> <p>The bidder must provide a methodology/approach and a project implementation plan which details how the service will be carried out. The project plan must have deliverables and time frames</p>	<p>10%</p>	<ul style="list-style-type: none"> <li>- The bidding company provides one of the elements with <b>average</b> methodology/approach and implementation plan = <b>2</b></li> <li>- The bidding company provides two of the elements with <b>above average</b> methodology/approach and implementation plan = <b>3</b></li> <li>- The bidding company provides all elements with <b>good</b> methodology/approach and implementation plan = <b>4</b></li> <li>- The bidding company provides all elements with</li> </ul>

Category & Criteria Description	Weightings (%)	Scoring Matrix
<p>The plan must include but not limited to the following elements:</p> <ul style="list-style-type: none"> <li>• Provide details about the resources and processes of the company.</li> <li>• Turnaround times of the project / Project schedule</li> <li>• The bidder must provide a clear approach for the duration of the project term.</li> </ul>		<p><b>excellent</b> methodology/approach and implementation plan = <b>5</b></p>
<p><b>4. Skills Transfer</b></p>		
<p>The service providers to provide the skills transfer plan for transferring of skills to the staff of <b>the NLC</b> who will be involved in the investigations conducted. The service providers will submit a consolidated report to <b>the NLC</b> providing feedback on the skills transferred to <b>the NLC's</b> staff over the duration of the contract period. The skills transfer plan must include but no limited to the following elements:</p> <ul style="list-style-type: none"> <li>• Identification of gaps;</li> <li>• Training plans to address the gaps;</li> <li>• Quarterly reporting method on training; and</li> <li>• Final report on skills transferred.</li> </ul>	<p><b>5</b></p>	<ul style="list-style-type: none"> <li>- The bidding company provides one of the elements with fair skills transfer plan = <b>1</b></li> <li>- The bidding company provides two of the elements with fair/average skills transfer plan = <b>2</b></li> <li>- The bidder provides three of the elements with average skills transfer plan = <b>3</b></li> <li>- The bidding company provides all elements with good transfer skills plan = <b>4</b></li> <li>- The bidding company provides all elements with excellent skills transfer plan = <b>5</b></li> </ul>
<p style="text-align: right;"><b>Total Weighting:</b></p>	<p><b>100%</b></p>	
<p style="text-align: right;"><b>Minimum qualifying score required:</b></p>	<p><b>70%</b></p>	

## Stage 5: Pricing and B BBEE comparatives

**Pricing Schedule: Please refer to Annexure B**

**The evaluation for Pricing and Specific Goals will include the following:**

Evaluation Criteria	Final Weighted Scores
<p><b>PRICE</b></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><math>P_s</math> = Score for the Bid under consideration  <math>P_t</math> = Price of Bid under consideration  <math>P_{min}</math> = Price of lowest acceptable Bid</p>	80
<p><b>SPECIFIC GOALS</b></p> <p>In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals.</p>	20
<b>TOTAL SCORE:</b>	<b>100</b>

A maximum of 20 points to be awarded to a tenderer for the specific goals specified for this bid is as follows: -

<b>1. Procurement from entities who are at least 51 % Black Owned</b>	<b>Sub - points for specific goals</b>	<b>Maximum points for specific goals</b>
91% - 100%	10	<b>10</b>
81% - 90%	9	
71% - 80%	8	
61% - 70%	7	
51% - 60%	6	
41% - 50%	5	
0% - 40%	0	
<b>2. B-BBEE Status Level of Contributor</b>		
Level 1 - EME /QSE	10	<b>10</b>
Level 2 - EME /QSE	9	
Level 1 - Generic / Level 3 EME / QSE	8	
Level 2 - Generic / Level 4 EME / QSE	7	
Level 3 - Generic / Level 5 EME / QSE	6	
Level 4 - 5 Generic / Level 6 EME / QSE	5	
Level 6 - 8 Generic and Non – Compliant / Level 7 - 8 EME / QSE and Non – Compliant	0	

CIPC Report for the last three (3) months from the closing date of this bid (19/04/2023) must be submitted to claim the points for specific goals. Bidders are encouraged to obtain the 3 months CIPC Report from <https://eservices.cipc.co.za/>. Failure to submit the CIPC Report will result in zero (0) scoring for specific goals.

The points scored for the specific goal must be added to the points scored for price and the total must be rounded off to the nearest two decimal places.

Final appointment to be awarded to the bidder scoring the highest points.

**Stage 5: Due Diligence**

The bidder must have current technical and logistical capacity to perform the work required. In order to proof this, the bidder must provide details of facilities, resources and capacity.

**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 negotiation.

**ANNEXURE A: CV TEMPLATE**

**Proposed role in this project:** -----

Name: -----

First name: -----

Date of birth: -----

Nationality: -----

ID number: -----

Nationality: -----

Relevant qualification(s) and courses successfully completed

Institution	Year	Degree(s) / Diploma(s) obtained /Courses completed

Membership of Professional Bodies: .....

Other skills (e.g., computer literacy, etc.): .....

-----

Present position -----

Years within the organisation: .....

Key qualifications (relevant to project): .....

Professional experience -----

-----

**Definition of case studies: Investigation assignments that have been previously undertaken in the past three years.**

<b>Investigation assignments 1</b>	<b>Description</b>
Organisation/Client	
Position/Role in the project	
Description of duties/ specific work / services.	
Indicate the number of years performing this specific work	

<b>Investigation assignments 2</b>	<b>Description</b>
Organisation/Client	
Position/Role in the project	
Description of duties/ specific work / services.	
Indicate the number of years performing this specific work	

<b>Investigation assignments 3</b>	<b>Description</b>
Organisation/Client	
Position/Role in the project	
Description of duties/ specific work / services.	
Indicate the number of years performing this specific work	



**ANNEXURE B: PRICING SCHEDULE TEMPLATE**

Please provide rates (VAT Inclusive) for the rendering of forensic investigation services for the National Lotteries Commission. Service providers must indicate the average audit fees per hour. The proposed fee structure per hourly rates of the following levels of staff should be indicated as follows:

	<b>Hourly Rates*</b>		
<b>Level and Capacity</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>
Engagement Director	R	R	R
Senior Manager	R	R	R
Manager	R	R	R
Senior investigator	R	R	R
Investigator	R	R	R

	<b>Average variable rates*</b>		
	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>
Average rate per year	R	R	R
Total Average Rate (Year 1 + Year 2 + Year 3)			



## **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

**PART A  
INVITATION TO BID**

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)</b>							
BID NUMBER:	NLC/2023 - 001	ISSUE DATE:	15 MARCH 2023	CLOSING DATE:	19 APRIL 2023	CLOSING TIME:	11:00am
DESCRIPTION	<b>APPOINTMENT OF A PANEL OF SERVICE PROVIDERS TO CONDUCT FORENSIC INVESTIGATIONS ON ALLEGED FRAUD AND CORRUPTION CASES FOR A PERIOD OF THREE YEARS</b>						
<b>BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)</b>							
<p>The Supply Chain Management National Lotteries Commission 333 Grosvenor Street Block D, Hatfield Gardens Hatfield, Pretoria 0083</p> <p><b>Only USB will be accepted. NO hardcopies.</b></p>							
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO</b>				<b>TECHNICAL ENQUIRIES MAY BE DIRECTED TO:</b>			
CONTACT PERSON	SCM			CONTACT PERSON	Bongani Sambo		
TELEPHONE NUMBER	012 432 1470			TELEPHONE NUMBER	012 432 1584		
FACSIMILE NUMBER				FACSIMILE NUMBER			
E-MAIL ADDRESS	<a href="mailto:maureen@nlcsa.org.za">maureen@nlcsa.org.za</a>			E-MAIL ADDRESS			
<b>SUPPLIER INFORMATION</b>							
NAME OF BIDDER							
POSTAL ADDRESS							
STREET ADDRESS							
TELEPHONE NUMBER	CODE				NUMBER		
CELLPHONE NUMBER							
FACSIMILE NUMBER	CODE				NUMBER		
E-MAIL ADDRESS							
VAT REGISTRATION NUMBER							
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:			OR	CENTRAL SUPPLIER DATABASE No:	MAAA	
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No			B-BBEE STATUS LEVEL SWORN AFFIDAVIT	[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		
<b>[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES &amp; QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]</b>							

<p>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>ARE YOU A FOREIGN BASED SUPPLIER FOR THE <b>GOODS /SERVICES /WORKS OFFERED?</b></p>	<p><input type="checkbox"/>Yes <input type="checkbox"/>No [IF YES, ANSWER THE QUESTIONNAIRE BELOW ]</p>
--	--	--	---

**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 2.3 BELOW.**

**PART B  
TERMS AND CONDITIONS FOR BIDDING**

<b>1. BID SUBMISSION:</b>	
1.1.	BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2.	<b>ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.</b>
1.3.	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 SPECIAL CONDITIONS OF CONTRACT.
1.4.	<b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).</b>
<b>2. TAX COMPLIANCE REQUIREMENTS</b>	
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 VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
2.3	APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
2.4	BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
2.5	IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
2.6	WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
2.7	NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

**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: .....

## BIDDER'S DISCLOSURE

### 1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

### 2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest<sup>1</sup> in the enterprise,  
employed by the state? **YES/NO**

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

---

<sup>1</sup> the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.



2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution?  
**YES/NO**

2.2.1 If so, furnish particulars:

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

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract? **YES/NO**

2.3.1 If so, furnish particulars:

.....  
.....

**3 DECLARATION**

I, \_\_\_\_\_ the \_\_\_\_\_ undersigned, (name)..... in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium<sup>2</sup> will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

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<sup>2</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
  
- 3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.  
I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....  
.....  
Signature

Date

.....  
.....  
Position

.....  
.....  
Name of bidder

## PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

**NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022**

### 1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

- 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 To be completed by the organ of state

*(delete whichever is not applicable for this tender).*

- a) The applicable preference point system for this tender is the **90/10** preference point system.
- b) The applicable preference point system for this tender is the **80/20** preference point system.
- c) Either the **90/10 or 80/20 preference point system** will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals.

### 1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	<b>POINTS</b>
<b>PRICE</b>	<b>80</b>
<b>SPECIFIC GOALS</b>	<b>20</b>
<b>Total points for Price and SPECIFIC GOALS</b>	<b>100</b>

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

## 2. DEFINITIONS

(a) “**tender**” means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;

(b) “**price**” means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;

(c) “**rand value**” means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

(d) “**tender for income-generating contracts**” means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and

(e) “**the Act**” means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

## 3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

### 3.1. POINTS AWARDED FOR PRICE

#### 3.1.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

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

$$P_s = 80 \left( 1 - \frac{P_t - P_{min}}{P_{min}} \right) \quad \text{or} \quad P_s = 90 \left( 1 - \frac{P_t - P_{min}}{P_{min}} \right)$$

Where

$P_s$  = Points scored for price of tender under consideration

$P_t$  = Price of tender under consideration

$P_{min}$  = Price of lowest acceptable tender

### 3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

#### 3.2.1. POINTS AWARDED FOR PRICE

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

$$Ps = 80 \left( 1 + \frac{Pt - P_{max}}{P_{max}} \right) \text{ or } Ps = 90 \left( 1 + \frac{Pt - P_{max}}{P_{max}} \right)$$

Where

- Ps = Points scored for price of tender under consideration  
Pt = Price of tender under consideration  
Pmax = Price of highest acceptable tender

### 4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
  - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,
- then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

**Table 1: Specific goals for the tender and points claimed are indicated per the table below.**

***(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.***

***Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)***

1. Procurement from entities who are at least 51% Black Owned	Sub - points for specific goals	Maximum points for specific goals	Number of points claimed (80/20 system) (To be completed by the tenderer)
91% - 100%	10	10	
81% - 90%	9		
71% - 80%	8		
61% - 70%	7		
51% - 60%	6		
41% - 50%	5		
0% - 40%	0		
<b>2. B-BBEE Status Level of Contributor</b>			
Level 1 - EME /QSE	10	10	
Level 2 - EME /QSE	9		
Level 1 - Generic / Level 3 EME / QSE	8		
Level 2 - Generic / Level 4 EME / QSE	7		
Level 3 - Generic / Level 5 EME / QSE	6		
Level 4 - 5 Generic / Level 6 EME / QSE	5		
Level 6 - 8 Generic and Non – Compliant / Level 7 - 8 EME / QSE and Non – Compliant	0		

**DECLARATION WITH REGARD TO COMPANY/FIRM**

4.3. Name of company/firm.....

4.4. Company registration number: .....

4.5. TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
  - One-person business/sole propriety
  - Close corporation
  - Public Company
  - Personal Liability Company
  - (Pty) Limited
  - Non-Profit Company
  - State Owned Company
- [TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I 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 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
  - (a) disqualify the person from the tendering 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 tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted 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, if deemed necessary.

.....	
<b>SIGNATURE(S) OF TENDERER(S)</b>	
<b>SURNAME AND NAME:</b>	.....
<b>DATE:</b>	.....
<b>ADDRESS:</b>	.....
	.....
	.....
	.....